

T H E  
Duty of Allegiance

Settled upon its True

GROUNDS,

According to

SCRIPTURE, REASON,

AND THE

Opinion of the Church :

*by Mr. Kettiswell*

In Answer

To a late Book of Dr. *WILLIAM*  
*SHERLOCK*, Master of the Temple,

ENTITLED,

The Case of the Allegiance due to Sovereign  
Powers, Stated and Resolved, according to  
Scripture, &c. With a more particular Respect  
to the Oath lately injoin'd.

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*London*, Printed in the Year 1691.

of Allegiance

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TO THE REASON

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# THE Duty of Allegiance

Settled upon its True

## GROUND S, &c.

### CHAP. I.

*Of the Difficulties in the way of the present Allegiance,  
and the ways of taking them off.*

Honoured Sir,

**H**AVING now at length, by the blessing of God, found that leisure and convenience I spoke of; in Dutiful Regard to the Engagement you sent me, I have set my self, with the best attention I could, to consider the Grounds and Reasonings in Dr. Sherlock's late Book, viz. Of the Allegiance due to Sovereign Powers, with a more particular Respect to the present Oath.

**I** Hope I have not mis'd his Sense; I am sure I have not done it willingly, nor been wanting in that Respect, which I profess to have, and think that all Lovers of Piety and good Reason have had great cause to bear for a Person, who in his many learned Labours

has so well deserved of both. But I have examined his Opinions, with the same freedom that he has propos'd them, and which the interest of Truth and Righteousness require, as I conceive, in this Case: And this freedom, I believe, will not be Offensive to himself; for if they

will stand, it will give him a further Opportunity to clear them. But if they will not, as I verily think they will not, it will concern all, and no Person more than himself, to be showed the Falseness of them. And that not only as being unsound, and insufficient to justify the Conscience in the present Allegiance: But also as being very ill Principles, and Destructive; in my Judgment, to that moral Honesty which should govern the Actions of Mankind.

One Design of the Reverend Author in this Book, and that a very charitable one, was, to endeavour the Satisfaction of those who are still dissatisfied about the Oaths. And

that we may the better judge how fit his Discourse is to reconcile their Consciences thereto, I think it not amiss to represent in short the Difficulties which Men conceive against the present Oath of Allegiance; and then examine, how successful his way is like to prove in taking them off. And I think it will appear, notwithstanding all he has advanced in this new Hypothesis, That the Difficulties are as great as they were before; and that there is like to be no way of removing them, but by demonstrating K. James's Abdication, and K. William and Q. Mary's Legal Right, which the Convention and Publick Acts ground the Allegiance in debate upon.

As for the Difficulties, in the way of the Refusers, to my Apprehension, thus the Case stands.

True Allegiance to K. W. and Q. M. is, to become their true Subject, to stand by and to support them against all persons. The Fifth Commandment, which is God's most ancient Law for Allegiance by Honour, intends not only Respect, but Service and Support of Parents; the Denial of which, as both our Saviour and

St. Paul say, is a Breach thereof. 15. 3. 6. The great end of Civil Society is for mutual Defence. So, when Civil Government is set up, the first and most Funda-

mental Obligation to it is to Defend it: and this Defence is by the Allegiance of the Subjects. Allegiance is the Band, which ties not one Stranger to another, who may look on with more Indifference, as idle Spectators; but the Members to the Head. And the Duty of Members is, to do all they can to keep the Head upon the Body, and to be as ready to guard their Head, as to guard themselves. And if any person will take the pains to examine the constant and current meaning of true Allegiance in our Laws, and in the Legal Professions thereof, he will find nothing more clear, I think, than That true Allegiance speaks the Support of their Sovereign against all Opposers and contrary Pretenders. And being thus an Episcopal of one, against all others; we can have but one true Allegiance, or one King at a time, to whom we owe, and are to pay this true Allegiance, as this Reverend Person truly notes, p. 14. Prep. 6.

In particular; this true Allegiance to K. William, &c. both in the Sense of the State, and in the Practice of the Subject, is to support them against K. James. If any, that owes K. William and Q. Mary Allegiance, doth but correspond with K. James, or give him any Assistance, the Courts judge it a breach of this Allegiance. And when K. William goes professedly against K. James, or to reduce, as the Acts and Declarations say, the Rebels in Ireland, i. e. all those Irish that adhere to K. James, all his Subjects are required, in vertue of their Allegiance and Subjection to him, to fast and pray for his Success, which are the most solemn Assistances; and, with as much Solemnity, to give Thanks for the same at his Return, after he has prevailed against him. All which, they that profess and have promised Allegiance to K. W. & Q. M. have accordingly done through the Kingdom.

Now, King James was confessedly the Rightful King of these Realms, to whom all the Subjects thereof ought this true Faith and Allegiance, and to whom all in any publick Office or Trust had Sworn it, either

either to him by Name, in all the Oaths taken in his own Reign; or, which is the same thing, to him, under the Words *Lawful Heirs and Successors*, (he being undoubtedly the Lawful Heir and Successor to his Brother) in the Oath, *to bear true Allegiance to the King; and his Lawful Heirs and Successors*, taken in his Brother's Reign.

This true Allegiance is by the present Oath transferr'd to *K. William and Q. Mary*; and that, as the *Convention and publick Acts*, which order this Translation, say, because *K. James* now has no longer any Legal Right to the Throne, but *K. W. & Q. M.* are rightful King and Queen: And this, if cleared, prevents all the Difficulties which are on Supposition of *King James's* continuing to have this Legal Right still. But this learned Author, to suit his Argument to those (as he says in his Preface) who are most strongly prejudiced against the Legality of the late Revolution, reasons in this Book upon the Supposition of unjust Usurpation. And supposing, as he doth, *K. James* to have a Legal Right to the Crown; such as these, in my Judgment, are the Difficulties which will lye in the way of transferring Allegiance, for his Book to take off, viz. how such taking away their Allegiance from *K. James*, suppos'd therein to have the Legal Right, and turning over against him to another, suppos'd to have no Legal Right, can be thought.

1. *To be just to King James in point of Property.* A Crown is the greatest Estate, as well as the highest Authority; and if you suppose the Right to this Estate to be in him, doth not that make it his rightful Property? Then, to seek to hinder him of his Right, to take it out of his hand, or to keep it out of his hand, would be very unrighteous. To pray for it, to wish or desire it, would be a Breach of the Tenth Commandment, an unjust and evil Covetousness. To attempt it, or any ways abet or act therein, would be a Breach of the Eighth, and pass among unjust Seizures. And the Allegiance that

tyes to pray for, and to promote the Possession of *K. W. & Q. M.* I think doth pretty evidently do all this against him.

2. *To be Dutiful and Obedient to him in point of Power.* Admit him to have the Legal Right, and he will seem to be the Politick Father, and still King; and then, by the Fifth Commandment, Allegiance is unavoidably due to him. Suppose him the Father there spoken of, and that Commandment bids all to Reverence, and keep Subject to, and Serve, and Support him; and transferring Allegiance runs directly contrary to all these Duties: It is turning Subject to another against all Men. There is an end of praying for him, when they openly fast and pray against him. They have done with supporting him, when they fall to support another in his Throne. They can be but one King's Subjects; as having but one Allegiance, which when they promise and pay to *K. William and Q. Mary*, they must needs cast off to *K. James*: And as the Supposal of his Legal Right makes them owe him, as may seem, all the Duty of the Fifth Commandment; I think such transferring of Allegiance would manifestly be very bad Payment of it.

3. *To be true and faithful to their own Oaths and Promises.* The Third Commandment is, *Not to take God's Name in vain*; or, as our Lord words it, *not to forswear our selves*: And Mat. 5. that may be, either in falsifying the former Oath, by Non-performance; or in falsifying again, by swearing more than we can perform in the new Oath.

The former Oath to *K. James* was, notwithstanding any Absolution of the said Subjects from their Obedience, to bear Faith and true Allegiance to His Majesty. Now, I suppose, to transfer Allegiance from him, doth not fulfil the Promise of continuing to bear Allegiance to him: And to bear it to his Competitor, is, not to bear it to him; for certainly he and his Competitor are not the same.

*And to defend him and his Heirs, to the uttermost of our Power, against all Attempts whatsoever, which shall be made against him or their Persons; Crown, and Dignity.* Now, how Attempts have been made, and how they are continued, against his Person, Crown, and Dignity, all Men must needs see. And the calling for the present Allegiance, is to back the Attempters therein: And, if you suppose his Legal Right; to turn over to the Attempters will not verifie the Promise of *Defending him and his Crown against all Attempts*; nor will aiding and praying for them, when going against him, be keeping his Crown on his Head, to our utmost, against them.

It is declared further, *That neither the Pope, nor any person whatsoever, has Power to absolve us of this Oath, nor of any part thereof.* And that, notwithstanding any Absolution from this Obedience, we will bear him this Faith and true Allegiance. 'Tis visible, they that turn to bear it to another, who is set upon his Throne, bear it no longer to him. They were bound thus fast to him therein before, and some must have set them loose; and by his Supposal, that was not done by King James himself, if, as he puts the Case, his Legal Right still remains. And if they give this Faith and true Allegiance away to another, when these Absolvers have loosed them, how is that holding to bear it on to him, notwithstanding any such Absolution?

Such Rubs lye in the way of transferring this Allegiance from the former Oath to King James. And since, in this new Oath, true Allegiance is to be sworn again to K. William and Q. Mary; if they swear such Service and Support to them against K. James, as 'tis not lawful to perform, (as it seems visible they do, if you suppose the former Bond is still remaining) there would be a new Falsification. To say, and not to doe, is to falsifie: And to swear he will do, what a Man ought not and will not do, is to swear falsely: And this every person doth, that swears to do an unjust thing, or to give away what is none of

his own. Such Oaths lay no Obligation, nor procure Licence to perform; the thing being as unjust after as it was before their Swearing. No man must swear away any part of his Duty, as the Author observes, p. 32. because an Oath in which a Man so swears is false in the making, assuring Men of what they are not like to find; and deducing them by a Promise and Oath, which must not be kept, but broken.

As to the Persons concern'd in these Difficulties; the Consciences of all the Subjects are concerned, on some, though not on all the forementioned Accounts. The Eighth and Tenth Commandments, of not being injurious to him in his rightful Properties, would affect the Consciences of all Men in common Justice. The Fifth Commandment, of bearing Allegiance to him if true and legal King, and paying him Honour and Obedience, would bind the Consciences of all Subjects of these Dominions. And the Third Commandment, of not forswearing our selves, but performing towards him our Oaths, concerns only them that have been in Stations requiring the Oaths of Allegiance. And to the foregoing Obligations, which equally concern and are a fast Tye upon all others, this superadds a new Bond, or most solemn Obligation, upon the Swearers themselves.

These, in short, I conceive are the great Difficulties against the new Allegiance to K. William and Q. Mary, whether called for upon Oath, or without Oath.

Now, of all these Difficulties, I observe, That they suppose a rightful Competitor in being, to whom the Subjects are under a contrary Obligation. The hindrance of Conscience is not from their own Rights, which the Owners may give up if they please; but from the Rights of a Third Person: And the Refusal, is only to do Right, and to keep a clear Conscience towards him. For, as the Case is put, it is K. James's supposed Right to these Realms, as Proprietor, that withholds them, in regard to the Eighth and Tenth Commandments, from that Allegiance which must joyn



joyn to drive or keep him out thereof; and his supposed Right, or Power and Authority over them, that bars them, in Conscience of the Fifth Commandment, from casting off Obedience to him, and turning Subjects to *K. William* and *Q. Mary*; and the further Right he has to all this by their solemn Promises & Oaths, which keeps them fast to him, in respect to the Third Commandment, till, either by Death, or some Act of his own, they have his sufficient Discharge. All which hindrances of swearing Allegiance to one possessed of a Throne, would vanish, were there no supposed rightful King and Competitor still living, nor any other Bar against turning to the Possessor, but merely his having been set up by unlawful means.

And therefore in turning Subjects to such unlawful Possessors, these Difficulties would be no Difficulties of Conscience, to them who have all the right of Power in themselves; For when by their Submission they give up all this Power to the wrongful Possessor, they give away only what is their own, and do no Person any wrong: Great Difficulty there may be indeed in giving up their own Rights, but that is not a Difficulty of Conscience, or from any Law of God, whose Laws may all be equally kept, whether they have a mind to keep their Civil Power, or to part with it, and come into a subject State; but only a Difficulty in inclination and interest, or of worldly hardship. And this was the Case of the *Senate and People of Rome*, when *Julius*, and after him *Augustus Caesar*, first usurped upon them; till such time, as by the *Lex Regia*, the Empire was conferred upon him by their own Act, and became a *Legal Constitution*. And so it was also with other Nations, particularly with the *Jews*, when both King and People turned *Tributaries*, and submitted themselves to an usurping and prevailing Prince; as they did to the *Egyptians* and *Babylonians*; their Kings themselves, as *Jehojakim* and *Coniah* his Son, as well as the People, submitting to take their Crowns from, and hold

them under them, and binding themselves as *Ezekiel* says, *Ezek. 17. 13.* of *Zedekiah*, by *Oaths of Fealty and Allegiance* to them. And 'tis the same Case with any Towns, or Places taken from their lawful Prince, by invading Neighbours (a Case so much pressed by some in this Argument) after once (as it usually happens at the end of a War) the Places at first seiz'd by Force, are given up by the right Owner to the Possessor in *Treaties*: For then the People are no longer obliged to his Right, which he himself has given up, but are all at Liberty to submit themselves. In all which Submissions, and turning Subjects to these Usurpers, or Conquerors, they denyed no other Person what was his Right, for none else had any Right over them; so there could be nothing Unrighteous in this Submission.

Nor will they be Difficulties longer than the Prince, who has Right over them, lives. *The Woman that is bound to her Husband, is bound only so long as her Husband liveth*, as *St. Paul* says, *Rom. 7. 2.* When a King's Person dyes, his personal Rights dye with him: And after that, none of the aforesaid Difficulties, so far as his personal Right made the Difficulty, will be any hindrance to them, in Conscience, from turning subject to another, that is possessed of his Throne. And this was the Case of the *Roman* Subjects, under all their bloody and numerous Revolutions and Usurpations. The Conspirators that set up, and succeeded against any of the Emperors, still cut off their Masters; and taking the right Emperor's Blood as well as his Power, cut off his Right, and the Peoples Allegiance, together with his Life.

And either this, or the aforesaid Submissions of the Subdued rightful Princes, was the Case in the several Advancements and Erections of the *Four Monarchies*; both as to the Kingdoms they Subdued, and as to their Subduing one another, particularly as to the Power of the *Persian* Kings, which (as the *Babylonian* had done

done before in the death of *Belshazzar*, Dan. 5. 30. 31.) expired with *Darius*; for, besides that his Son, who would have been the next Heir was in the Conqueror's Hands, that Kingdom, though they had a great reverence for the Royal Blood, and it usually went from Father to Son, yet was not legally tyed to lineal Descent and Succession by Blood; as, I think, may appear *In the choice of Darius*

*Hystaspes*, who, though of Royal *L. 1. c. 10.* Race, as *Justin* says, yet had only his Lot for the Crown among the rest of the Princes, on the overthrow of the *Counterfeit* *ib. 1. 2. Smerdis*. And in the Dispute *c. 10.* about the Crown, and the Decision thereof, betwixt his Son *Artemenes* and *Xerxes*, after his Death. So that on the Death of *Darius Codomannus*, all the Subjects of that Empire were at Liberty to submit themselves, and bear Allegiance to the prevailing *Macedonians*, as they had done to the *Persians* before; and did wrong to none therein, no other having any just Right over them.

From this also I observe, Where a Peoples Submissions are of Force to justify, and carry a Translation of Allegiance; viz. *When they are their own Masters, and free from any Third Persons rightful Power over them*. If they owe the Allegiance demanded of them to a rightful King, they cannot give it away from him: And if they pretend to do it, it is still as truly his, as it was before; and all the aforementioned Difficulties press upon them. 'Tis not for one Man to give away what is anothers; what is a Man's own continues his own after all the Gifts that are made of it, till he gives it away himself. The *Popes* have been very Liberal in giving away Princes Rights. And a People may be very Liberal also in giving away their Princes Rights, when they give away their own Allegiance: But if what they give away are really his Rights, he loses no Right by either of their Gifts, who had no Power to give.

But if there be no Prince in being, that has any Right over them, they may give up their own Rights to whom they please, and their Submissions, who are thus at their own Disposal, are sufficient to bind themselves.

Having thus given a brief State of the Difficulties of Conscience in the way of the Refusers of the present Oath of Allegiance, I proceed next to consider *what are the ways proposed to take these Difficulties off*.

The way of the *Convention and Publick Acts*, is denying *K. James* now to have any *Legal Right*. Such Right they own he had; but they say he has parted with it, *by breaking the Fundamental Contract, and by Abdicating the Government, and the Throne thereby*, as they say, *becoming vacant*. Now, if any will set themselves to prove this, I grant that Proof will clear all these Difficulties: For the Supposal of his *Legal Right* is the ground of all these Exceptions. If he has no Right to any of the Realms, they do him no wrong, to pray, That the right Owner may have his own, and to help to put him, whose the Right is, into Possession. If he is not their rightful King, they owe him no Allegiance and Duty of Subjects: And if there is an end of his Right, there is an end of their Oaths. The Oath of Allegiance, recognizing his Right, and promising all the forementioned Allegiance and Defence to him, is only whilst he has a Right to be defended; so that if he has given away his own *Legal Right*, he has given back their Oaths too, from which though no other person may absolve them, yet he himself may.

But since this Question has fallen into private hands, this Allegiance has been endeavoured to be set on other Grounds. This Reverend Author is not for entering into the *Dispute about* p. 12. *the Legal Right, which seems to him not fit to be disputed*. That therefore I leave, as he doth, to stand or fall according to its own Evidence. But he adds, *That this Legal Right is unnecessary in this Dispute,*

*Dispute, and has perplexed this Controversy: And that Allegiance is due to K. William and Q. Mary, as settled in the Possession of the Throne, and both may and ought to be sworn to them, though King James should happen to have the Legal Right still. So the business of his Book is to lay down Principles that will clear the*

*Allegiance required to K. William and Q. Mary, though they be supposed to have no Legal Right. Which Principles, of Possession of the Crown without Legal Right therein, advanced first by many others, but now carried higher and improved by him, how fit they are to remove the former mentioned Difficulties, I come next to examine.*

## CH A P. II.

### *Of the nature of Authority, and how convey'd from God.*

**A**S to this Ground of Possession of the Crown carrying Allegiance, though the Possessor has no Legal Right, it has been a Plea very generally used and much set by among the Writers for the new Oath, pressing the duties of Allegiance to a *King de Facto*. That Plea, if I mistake not, (and those several Authors I have not now at hand) has run upon Possession of Power, and actual Administration, leaving the other still to have the best Right; making Allegiance only a Tribute for Protection, and the Due of actual Administration, whether by a Person right or wrong. But this Reverend Author goes further, to make Possession carry a better Right along with it, viz. the Right of Providence, which he says, by God's Order, is to take place of any Right by human Laws. Both these Pleas, viz. of *De Facto*, or Possession, leaving the other the best Right; and of Providence, giving the Possessor a better Right, are made use of to carry the Allegiance in Debate from K. James, supposing him to have the Legal Right. And if the Plea of Providence should fail, in giving the Possessor a better Right, several things are said by this Author, which are used by others, to press Allegiance on score of Possession and actual

Administration, though the best Right should lye on the other side. And I shall consider both these Pleas, and examine how fit either of them is to remove the former Difficulties out of the way of the Refusers.

First then, as for the way of *King de Facto*, or leaving the Dispossessed Prince the best Right: According to that, his Possession only is gone, but he has still the best Right, either as Proprietor of a great Estate, or as King of the Realm; and both the Property and Authority are allowed still of Right to belong to him. And this leaving him to have the Right, who-soever has the Possession of his Right, I think would leave all the preceding Difficulties untouched.

For, to bind themselves by an Oath of Allegiance, to keep his Competitors in such his supposed Rightful Power and Propriety, and to keep himself out of it, seems,

1. To carry all the Injustice to him, as a Proprietor, against the Eighth and Tenth Commandments. Grant, as the Plea doth, that what Subjects engage to keep him out of, is his Right; and it needs no more to make it very unrighteous.

2. All the *Undutifulness to him, as a King and Father*, against the Fifth Commandment: For if he be allowed to have Right to the Authority, he will have Right to the Obedience. Obedience is due to nothing else but the Authority; and therefore can be due to none else but him that has the Authority; and that is he who has the Right to the Authority. For in all righteous Estimate, the Authority is his, whose of Right it is. This Authority cannot go to both, it can belong but to one, Whose is it then, his that has Right to it, or his who has none? Not his that has no Right; for that is not to judge righteously, or to do Right, and to give every Man his own. He that has Right to the Authority then must have the Authority: and indeed Authority, as I shall note, is a thing which must go by Right. It is a Spiritual thing not subject to Violence; Force cannot take it, but Right must convey it; and God's way of giving it is by giving any one a Right to it. So that having the Right to the Authority, by this Plea, he would be adjudg'd to have the Authority. And then ought he not to have the Duty and Obedience which God makes due to the Authority, if they will give him his Due? Having the Authority, he would be the Father spoke of in the Precept, to Whom all are required to pay *Honour and Support and Obedience*; and to keep Subject; all which are paid contrary, when the Allegiance is transferr'd, as I before noted.

3. All the *Breach of the solemn Promises and Oaths*: For those were sworn on the account of his having *Right to the Crown, and for Defence of it*. The Oath of Allegiance expressly recognizes his *Legal Right*, and engages that *Faith and Allegiance to defend him in that Right to the utmost*. So, leave him still in that Right, and you leave what it swears to defend; and the Swearers, for ought appears in this Plea to bring them off, are still bound to defend him therein, according as that Oath engaged.

The First of these, *viz. Injustice to him*

*as Proprietor*, seems plainly left by this Hypothesis; Grant him Right; as it doth; and to oppose Right is plainly unrighteous. And the Third, *viz. Breach of the Oath*, seems as plainly left too: For the thing recognized, and sworn to be defended in that legal Oath, being the legal Right; Grant that legal Right still to continue, as this Plea doth, and that Oath will have it to defend still, as it had the first day it was made. And to transfer and turn Allegiance to oppose him in that Right, I think is not to bear Allegiance to Defend him therein.

But as to the Second, *viz. Undutifulness to him, as a King and Father*, allowing him still to have the Right; several (and this reverend Person among the rest) will be apt to dispute that: Not but that Obedience must follow the Authority; but because, as they fancy, he may have the Authority that wants Right; and on the other side, he that has the Right may want the Authority. Authority goes not by Right, as he thinks, but by *Advancement to the Throne by whatever means*: So that he who has Right, if dispossession has not God's Authority, or, as he says, p. 21. *is out of Authority*; and he that has Possession, though against Right, has God's Authority: which is the Notion that runs through his whole Book.

To clear this therefore I shall here enquire into the *Nature of Authority*, and into the way of coming by it, which will shew the way of losing it: A right Understanding whereof will be of great use to clear up his most fundamental Mistakes, as I conceive, and answer the main of what he has alledged on this Subject.

I. First, I shall say something to the *Nature of Civil Authority*, or shew what it is, that we may know what to seek for in one, when we seek after Authority. There is the more need of this, because I find Men are very apt to take *External Might and Strength*, which they see in Persons of Authority for their Authority: And to conclude, When they see one pos-

essed



possession of this External Strength, that he is possessed of Authority; but if he loses this External Strength, that he loses his Authority.

*Civil Authority speaks a Right or Liberty in one to order, or do a thing in Civil Matters, laying an Obligation on others to follow or submit to him; as particularly in a Prince to give Order and Commands, for a Rule of Practice, to judge and determine Disputes about Rights or Properties, to use the Sword, (which God has allowed him alone the Liberty of) for Defence or Punishment: And all with an Obligation to those under him, to obey or acquiesce in, or submit to them. The most Essential Property of this, and of all other Authority, is to lay Obligation, or a Conscientious and Internal Bond on those who are subject to it: And some Authority has no other Enforcement, being furnished with no External Compulsory, nor using Force over the Bodies of those who are subject thereto, as the Ministerial Authority; which yet is a good Authority and God's Authority, as truly as Civil Authority it self is.*

But since the generality make so little of this *Internal Obligation*, and can so easily break it; *External Strength* and *Might* is added to this Authority, to be a tie upon the Bodies, as the other is upon the Spirits of Men, and to make them ob-servant out of fear of Wrath, as St. Paul says, *Rom. 13. 4. 5.* who would not otherwise be so out of the true Obligation of Authority, that is the *Bond of Conscience*. And this External Strength lies in a Prince having the Command of Courts and Officers, Prisons and Executions, in being possessed of Armies, Ordinances, Magazines, Navies, Treasuries, and Strong-holds of a Nation, and the like.

But now this *External Force* and *Strength* is not the Prince's Authority it self, but a Means and Instrument, to exercise, to back, and enforce his Authority. The Authority, as I noted, lies in Right or Licence of Ordering, with effect of Obligation; and all this is a *Spiritual Thing*,

as *Right, Licence, and Obligation*, and other *Moral Things* are: So that Authority is a *Moral Quality*; but this *External Strength* is no *Moral Quality*, but a *bodily Thing*. The inseparable effect of Authority is to lay an *Internal Obligation*; this an *External*; that a *Power of affecting the Conscience* this only the *Bodies of Subjects*: For what *External Strength* has *Power* over, is only our *Bodies*; *bodily Force* can take away *bodily Things*; but mere *External Force* lays no such *Internal Bond* of *Submission* upon the *Conscience*. If a Man falls into the Hands of *Thieves*, or *Pyrates*; or, in time of War, if he and all he has in the *Power* of the *Enemies*; their *External Strength* will give them *Power* over his *Body*; but his *Spirit* is free: And such Men, for all they are under the *Power* of *External Strength*, may refuse all they require with safety enough to their *Consciences*, if they can with safety enough to their *Persons*. There must be Authority, as I say, to bind the *Conscience*, when this *External Might*, that is only the means to exercise, back, and enforce Authority, binds us in fear for *External Interests*. And both these distinct Effects St. Paul distinctly Marks in the *Higher Powers*, whose Authority which (as being God's Authority) binds the *Conscience*, is backed with *Strength* for present Wrath upon the *Bodies of Subjects*: *Ye must needs be subject not only for Wrath, but for Conscience sake, Rom. 13. 5.*

Accordingly we find this *External Strength* separate from Authority; and that shews plainly, that *External Strength* is not Authority. If a Man is in the Hands of *Thieves*, or *Pyrates*, or of *Enemies* in time of War, as I said, he is the subject of *External Strength*; but yet he is not there the subject of Authority. For no Man pretends, as this Author says, p. 34. That *Thieves* and *Pyrates* have God's Authority; nay, not although they proceed upon him in Form of Law, and Judicially as the *High Court of Justice* did upon the *Blessed Marry*; who, for all in that Court, he was the subject of *External*

Strength, yet, I think, no wise Man will say he was the Subject of Authority.

And, on the other hand, we find *Civil Authority* separate from *External Strength*; and yet for all that it is Authority. As it

was in *Saul*, when on *Mount Gilboa* he fled before the Pursuers, 2 Sam. 1. 6. 9. and Sought Death, for the Anguish of his Wounds, and that he might not fall alive into the Hands of his Enemies: For all which Discomfiture and Desperate State,

*David* tellt the *Amalekites*, he ought still to have looked upon him as having the *Inalienable*

of God's Anointed. And as it was in *David* when he fled out of the Land for fear of *Abisalom*; notwithstanding which Flight and Dispossession, *Shimei* was still to have owned him as the Anointed of the Lord,

and was guilty of Treason against the Regal Authority in his Carriage towards him. Thus also

our Law owns this Authority in a Disposposed King, and under any Breach or Interruption of Possession.

Thus the Statute says of *Q. Mary*, that for all the Interruption of her Possession by the Possession of

*Q. Jane*, the Crown with all Authorities thereunto belonging, was all the time, immediately from the Death of *K. Edward*, invested, and by Law adjudged to be in her Royal Person. And in

Case of any of the Heirs of *Henry Stat. 28. ry VIII.* usurping the Crown

*H. 8. c. 7.* before their time, one taking Possession whilst another had

*H. 8. c. 1.* the legal Right to the Throne, and *1 Ed. every such Offence is made High*

*Treason*. And the Disposposed Heir, I think, has Authority, if

Treason can be committed against him. *King Charles the First* was intirely Disposposed of all the External Strength of the Nation, when he stood Arraigned before the High Court of Justice; but

yet he was not Disposposed of his Authority, because all the Proceeding was Treason, and is confessed by all so to be,

against his Authority. And all the time of his Exile, *King Charles the Second* was under like Dispossession; but yet he had the Regal Authority all that time, else

how came his Reign to commence immediately from his Fathers Death, and all that was done against him in the interim of his Dispossession, to need an Act of

Obivion. Not to mention, moreover, how *Richard the Second* was not judged in Law to have lost his Authority, whilst

*Henry the Fourth* was posses'd of his Crown. Whereof, I think, this is a very good Proof; because the Statute of

*1 Ed. 4.* as it is in the Rolls says, That *Henry* himself, who was unjustly Possessed thereof, ought

Allegiance to him all that time, As his most Sovereign Lord in Earth, and

and against God's Law, Man's Ligiance, and Oath of Fidelity, when at last he Murdered him. Nor the several Attainders that might

be produced for acting against the Right Heirs, seeking to get Possession. These Attainders suppose Authority; for an

Attainder cannot ly against any; but for acting against the Royal Authority. And this Authority was whilst they had no Possession; yea, for acting for the unjust

Possessor himself against them.

This, I think, may be sufficient to shew that the Authority of a King doth not lye in possession of External Strength,

but in such a Right of Ordering, as lays an Internal Obligation, which may stay by him when all his External Strength is gone; and which they may want who

have got all his External Strength from him. And therefore this Reverend Person should not think it enough to prove one Prince out of Authority, because he

is out of Possession; or another to be in his Authority because he has got into Possession. To know who has

and who wants the Authority, we must look who has, or who wants that which carries and and conveys An-

thority;

thority;

thority; which is not having of External Strength, but having Right thereto, as I shall endeavour to shew by and by.

II. Secondly, It may be fit to inquire *Whence have they this Authority?* pag. 10.

Now that is from God, as he observes, *Who is the Supreme Lord of the World, and the Fountain of all Authority; he is Lord of our Spirits, as well as of our Bodies; and his Authority can bind us in Conscience, as well as in External Interests; and this Authority in them, coming from him, can do so too: and therefore St. Paul speaking of the Obligation laid upon us, by Civil Authority (Xenia) in the Higher Power, says, It calls for our being subject thereunto not only for Wrath, but also for Conscience sake Rom. 13. 1, 5.* To force the Body may be in the Power of Men, but to reach the Conscience is not so to be done, but by the Authority of God.

But if this be God's Authority, it is next to be inquired,

III. Thirdly, *How come they by it, or where has he conferred on them this Authority?* This, I think, is in the Commandment. The Fifth Commandment empowers all Authority, and so do those other Precepts, that require us to be subject to the Higher Powers, to Honour the King, to Obey Magistrates, and the like. That, I think, empowers him to Command, which requires us to Obey, and is a Charter both of his Authority, and of our Duty, since this Duty is only due to Authority. I know no other way whereby God speaks either to Governours, or Subjects, but by the Commandment, which empowers one and obliges the other; and on this Foot St. Paul seems to put the Guilt of all that is done against Authority. *He that resisteth the Power, or Authority, resisteth the Ordinance of God.* James 1. 1. says the *Emper.* and *Syn. The Divine Mandate, or the Commandment and Law of God; James* In the *Emper.* and *Advocate* being the Names, as Grovius notes, which the Emperors were wont to give to their

*Imperial Constitution; so implying them to be Empower'd, or Authorized by the Commandment; and making resistance of Authority to be a resistance of the Dictator, or Commandment, which carries and conveys the Authority, Rom. 13. 2.*

This annexing of Authority by the Commandment, is immediately to the State or Dignity, and only by means of that to the Person. The Authority the Commandment places in the Father, and the Subjection it requires to the Higher Power, the Obedience to the Magistrate; and the like in all other Authorities; and this is all that Laws can do, for Laws are general Sayings; and general Sayings can only authorize States in general, but must leave it to Men to make the particular Applications.

The State and Relation then of a Prince, or Parent, &c. is what God, and the Command, immediately authorizes. But this State, authorized by a general Commandment, is a general Thing. And it will be asked further, *How come they to be such a Man's Authority, or so to be fixed in such a Person?* Now that is by the same way that he comes into the State or Relation; and that is not by any immediate Act of God, but by an Act of Men. 'Tis the Law of the Land, for instance, that makes any particular Man a King; and that Law is not the Act of God, but the Act of Men; and so in every other State and Relation. The coming into these States, God and his Laws, have left to human Ways; and these Ways are very well known, none need be Ignorant of the way of coming in to be a Father, a Magistrate, a Master, an Husband, &c. Which State, when once by such Ways, they see any Person, in the Command of God takes Place, giving him Authority, and calling for Duty from the Subjects towards him.

This, the Learned Author seems to think, is not enough: p. 10, 11, But as the Power, or Authority, 36. is annexed to the State; so must the Person be called to that State and

and Power by God himself. And *Ps. 12, 23.* therefore he says, this empowering or authorizing of the particular Person is by Providence, which is God's doing; and which he thinks a good Grant of God to an Usurping Possessor, who, according to him, is a good providential King.

1. But *First*, As for such Grant of God to a Person, if he means, as I suppose he doth, a more immediate way of Granting, than that by human Rights; I know no way of doing that, but by particular Revelation, or God's immediate Nomination. If God please to name the Person, he gives the Authority particularly to that Person, and not only by the general Grant of giving it to him, whosoever should come into such Relation or State of a Parent, suppose, or King: And thus, in the *First* Marriage, God fixed the Person, viz. *Eve*, who should be Wife to *Adam*. And sometimes among the *Jews* named the Man, as *Saul* and *David*, who should have the Royal Authority, and be their King. But these are Rarities, and out of the ordinary and constant Course of God's empowering either Kings or Husbands; and yet all that come into these States otherwise, are as much empowered by God as these; so his way of empowering the Person must not be tyed to Revelation and particular Nomination. And how God can immediately fix the Person, otherwise than by himself immediately naming him, which is by a particular Revelation about that Person, I do not see; for, I think, if God immediately fix the Person, he must immediately say, this shall be the Person.

2. *Secondly*, As for the Authors way of Providence, it is no more an immediate way of God's empowering the particular Person, than this other of empowering him by means of human Ways and Rights. For when Providence sets up any particular Person among Men, it is by means of Men; and, I think, by a much worse means; for setting up by human Titles, is setting up

by means of Men acting Regularly by Right and Justice. But the way of setting up by human Successors, is by means of Men too, but acting wickedly in Ways of Unlawfulness and Unjust Violence. And why God cannot as well be thought to put a particular Person into his Authority by Men keeping to their Duty, as well as by the same Men breaking their Duty, I do not understand.

3. *Thirdly*, the Survey of all Powers plainly shows, That God's usual way of putting Men into the Authority of any State, is not by giving it immediately to the Persons, but by means of human Acts and Methods.

The State and Relation of a Prince, a Parent, a Pastor, an Husband, or Master, are all States Divinely empowered: For God is the Fountain of all Authority; and each of these, in their respective States and Relations, have God's Authority; and there is a Command for each, requiring Obedience to them; which Command doth authorize each of them. The States are of God's Institution, and the several Authorities belonging to them are of God's and his Commands Confering.

But if we look how any particular Person usually comes into any of these Divinely authorized States and Relations, we shall find all come into them by means of human Acts, and are not immediately fixed upon, and placed therein, by God himself. To give Authority, for Instance, to the State and Relation of an Husband, is the Act and Command of God; but to make any particular Person an Husband, whom God has thus Divinely authorized, is left to his own Act, or to his and his Wives joyned Consent and Matrimonial Agreement. Thus the Relation of a Father comes to have Authority by the Law of God: But *Abraham* becomes the Father hereby authorized, by natural Generation of *Isaac*, which is not a Divine, but Human Act. The State of a Master God has empowered; but to become a Master, if it be not over a Captive, there is need of his and his Servant's voluntary Contract.

And



And the Relation of a Pastor has God's Authority, and is to be obeyed by Divine Precept: But since Pastors cannot be immediately called of God, as the *Apostles* were, and those they ordained *Antistes* were not appointed or by the particular Direction of the Holy Ghost, as St. *Clement*

*Clem.*

*Ro. 1. Ep.*

*ad Cor. c.*

*42. p. 89.*

*Ed. Ox.*

says; every particular Pastor becomes such not by personal

Nomination of God, but by means of human Choice. And

answerable to all these is God's way of fixing any

particular Person in the State

and Relation of a King. The Estate is authorized by the Commandment; and

the Authority, which the Command annexes to it, is God's Authority, as it is in

all the other Authorities here mentioned. But where he doth not interpose by special

Nomination, God leaves every particular Person to be advanced to this State

by human Right and Method. For how do Princes, ever since the Government of

the ancient Patriarchs, claim to be admitted to the Regal State, which the

Command has Divinely authorized, but by human Laws and Rights? and the Laws

of Men are the Acts of Men: So an human Act must place a Person in the State,

and then the Law of God vests him with God's Authority to act therein.

And this is not to fetch the Authority of Kings, or other Superiours, from the People, as the Author fears, p. 25. For the

Authority is God's Authority, not the People's; and that which carries his Authority is God's own Command. But this

Authority the Command carries to such a particular State, which God doth not fully

put Men into, but leaves something to be done towards it by themselves. And

therefore what Part they act, is only to place the particular Person in that State

which not they, but God, has authorized; yea and that with such Powers *both of Life*

*and Death*, and laying Obligation as to Conscience, as they had not in themselves

to give. And this has nothing strange, for the Consent of People (which I think

is essentially carried in human Laws, to set up legal Monarchs, and in Elections in

Elective Kingdoms, and in Submissions to Congressors, to put Men into a State,

wherein, not their Consent but something else, must give them Authority to act.

The Choice of the Corporation must put a Man into the State of Mayoralty; but

what he acts by, when once in that State, is not the Corporation's, but the King's

Authority. And the Consent of a Wife, or Servant, &c. must put one into the

State of an Husband or Master; but when once in that State, the Authority of God,

carried in his Command, is to authorize and empower them, as observed before.

But this way, *how is such a Mans power of God*, if God doth not immediately vest

his Person with it? *Can Civil Authority be any otherwise of God, than as he gives*

*is to some particular Person?* says the Author, p. 10. *prop. 2.* Yes, otherwise than

by such a Gift as your way of arguing doth suppose and seem to build on, that

is, by giving it immediately. Power, I grant, must be in some Person, for only

a Person can be empowered: and if that be God's Power, as all Power is, it must

be given by God; for no one can take God's Power out of his hand, or have it

otherwise than by his own Gift. And Power being not a material thing, but a

Moral Quality, there is no taking it by mere Violence out of any Mans hand, it

not being one of those things which can be forcibly taken away. But God gives

what he doth not give immediately: and thus he gives all sorts of Authority to Men,

as I have shewn, by means of human acts and ways; that is where he doth not immediately interpose to give it by a

Prophetical or Personal Nomination: For then he leaves it to go to any Person by

human ways, and gives it to those who came to it by such human ways, and owns

their Persons to be as truly authorized and empowered by him, as if they had been

personally nominated by himself; as St. Paul notes (*Rom. 13. 1, 2.*) of the Roman Emperors, against those *fray*, who thought

that

that God's Authority did not go by Hea-then and Human Titles.

Now from this, *That God's Authority carried in the Command, comes to any particular person by means of human ways*, it is obvious for any to conclude that those ways must be ways of human Right. So that he who has the human Right will have all the Authority and Obedience of the Commandment.

For ways of Rights 'tis plain there are among Men of coming into these authorized States; particularly, as to Crowns, among every People, and in every place, there is a way of Rights, according to their own Laws, of accession to them. And all Men that make any pretence to Crowns, pretend a Right thereto; Crowns being claimed and held by Titles, or pretence of Titles, as all other Estates are.

And if God doth not interpose by immediate Revelation, he leaves Authority to go by these human and Legal Rights. God's own Grant of Authority, by immediate Revelation, is agreed on all hands to be the best Right, and to set aside any hu-

man or Legal Right to it. But when he doth not thus interpose by immediate and personal Nomination, but leaves Authority to go in the ordinary Course, it must go by human and legal Rights. For in absence of Revelation, Legal Right is the best Right, and human Right is the only Right; for, as for the Author's Right of mere Providence, that, as I shall show hereafter, is no Right at all.

But Two Things the Learned Author opposes in this Point, which, together with that of the *Providential Right* are the main Foundations of his Book. One is, *That Authority doth not go by human Right*. And the other, *That Allegiance doth not go, or is not due merely to Authority, but is tied to the Exercise of Authority, or Administration of Government*. Which Two, with the Right of Providence to be added for a Third, are his Grounds in this Question about transferring Allegiance, and what we have from him to remove the fore said Difficulties. And these Three Principles are next to be considered and examined in the succeeding Chapters.

## CHAPTER. III.

### *Authority goes by Rightful Titles.*

First, as to *Civil Authority*, he thinks \* it is not to go by human Right, but only by being placed on the Throne, without any regard to 13, 14, 15, Precedent Right. A Man, that has the Human Right, 23, 25, 32, he supposes may be out of the Authority; and another, 36, that wants the human Right, may for all that (without any special Revelation) have the Authority. And he bringing in the Question of Right he

thinks (p. 1. 18.) has perplexed this Dispute.

But as there are confessedly human Rights to carry Authority, so if personal Nomination and Revelation doth not interpose, which is a better Right, these human Rights must carry it, I conceive, to any Person, or it must be uncarried. Authority must be conveyed in such way of Right, and it cannot be conveyed without it.

For, to think of Authority coming to any

any one without good Title of Right thereto, neither agrees, *I think, with the Nature of things, as Right and Authority, or with the Purposes of him who is to have it; nor with the Honour and Justice of God, who is to give it; nor with the Meaning and Obligation of the Commandment, which is to carry and convey this Authority from God to the Person authorized.*

I. First, *It suits not with the Nature of things, as of Right and Authority, or with the Purposes of him who is to have the Authority.*

The Ends and Purposes, which he has to serve, that pretends to have the Authority, are such as these.

1. *To claim Obedience.* It is for the Authority that any Obedience is due: That is what the Scripture calls us to be Subject and obedient to; Rom. 13. 1. *Let every Soul be Subject to the higher Power, or Authority.* And it is no Sin to disobey him who has no Authority. Set aside any Man's Authority then, and we set aside our own Obedience, and are no longer his Subjects, but our own Masters. But now, if he has no Right to the Authority, what is the Offence of setting it aside? It will offend him, I grant, who has external Strength and Power in his hand; but what is the Offence to God? To deny his Authority, is not to deny him any thing that is his Right; so there is no Unrighteousness in it. If he has no Right to what is denied, such Denial can do him no wrong: and when they have righteously cast off any Man's Authority, I see not but they may very righteously Disobey him.

2. *To have the Regal State his Property, and exclude every one else;* For the Crown is one single undivided Authority, and can go but to one; it will not admit of Rivals: and Allegiance, as the Author observes, p. 14. can be due but to one; and we cannot have *Two Allegiances*, or serve *Two Masters*. So that he, who is to have the Regal Authority, must have it

as a Property, and have it to himself, and bar out all other Men. Now, can any thing but Right give Property? Set aside Right, and any one else, that will venture for it, has as much to do with it as he: He must plead a Right to it among Men, who would have a Property in it among Men. For his Right to it will make it his own, and make it unrighteous for any one to take it from him; or, if they do, it will be a part of Righteousness to return it him again. Right cannot always secure Possessions; for a Man may be dispossessed of what he has a Right to; but it secures Property, which is an Effect inseparable from it. He that has the Right, is the true Owner and Proprietor; and the unjust Possessor gets no Property: What he holds is not his own; he that has the Right is the Owner, and the unjust Possessor is bound to restore him his own again.

Particularly, he must so have the Authority, as to bar him, that stands Competitor for the same; and this, nothing but Right will do. For leave the Competitor the Right to the Authority, and that will make it his. It is the nature of Right, as I say, to give Property; and where there is no Right, there can be no Property; so that this way, the Right will have Authority, and the Wrong will want it. And what is to be done then, when the Right comes to claim and set up his Authority? If he has Right to it, the other can have no Right to hinder it; for that is to pervert Right, and be very unrighteous. Nor can any of his Subjects help or stand by him in making Hindrance thereto; for that would be, to give an helping hand to oppose Right, which would be as unrighteous in them, as it is in him. So that to think of placing Authority in any Man, without a Right thereto, is to talk of an Authority in him, which another has a Right to take, but he has no Right to defend, nor any of his Subjects can righteously stand by and defend him in.

The Author, indeed, p. 26. is for having

ving two good Rights to the same Crown, in being at the same time, as the Providential and Legal Right; whereby one may very righteously claim and take a thing, and the other may as righteously hold and keep it. But this, I think, quite overthrows the Notion and Nature of Right, which is to make Property, and that can go but one way. If the thing is one of the Party's, it cannot be the other's, for a very good Reason, because it cannot belong to both; and 'tis nothing but Right that makes it belong to either. So that is only one of them can have it, only one of them can have Right to it: and the better Right must set the worse aside, else one would be righteous in invading the others Right; and the other would be righteous in withholding his Right; since, both in invading and detaining each others Right, each would pursue their own Right; which is evidently to destroy all Right, and to confound the Notion and Use of Right and Wrong.

So that take away Right from Authority, and then Authority in that Person is neither to be Defended, nor Obedied; the plain Reason is, because both their Defence and Obedience is to respect the Person: They are to defend him in his Authority, and obey him for his Authority; and they neither may defend him in it, nor are bound to own and obey him for it, unless it be his Authority. Now what is it in any Person, that can make Authority to be his? The very same that can make any Thing else to be his, or any Thing to be any Mans, and that is a Title to it. And if Authority must go by Title, it must plainly go by Right; for that is a very bad Title, and will do a Man but little good, which has no Right in it.

Admit any Person to have no Right then, who pretends to Authority, and you make him a King without Authority; since without some Title to it, the Authority is none of his. Such a King, as they who please, when they can safely, may very rightfully cast off, and disobey: But whom against the Person that has the Right, they can-

not righteously obey, and defend. All their Acting there, on his side, is without Authority; and against the other is against Authority; so that Right must come in to give any Authority, which Subjects are either bound to obey, or may lawfully defend. And for any other Authority, that can neither authorize and justify Defence, nor challenge Obedience, it will not deserve any Dispute, whether it must go by Right or no.

And as this leaves the wrongful Possessor no Authority, so doth it leave him, who has the legal Right (and which no better Right has set aside) still to be in Authority: For if Property go by Right, as it can go by nothing else, the Authority is his, whose the Right is. And what a Difficulty would this make on transferring Allegiance and Obedience, when this way they would pay it all where there is no Authority; and disclaim and deny it all where there is Authority: Which Practice would make a very odd Comment on all those Scripture Texts, and Commandments, that call upon us To be subject and obedient to Authorities.

The Author thinks this Transferring and Paying Allegiance, p. 26, 27. and turning subject to the Possessor without Right, is no wrong to the other, nor any denial of his legal Right. What Men may still believe in themselves, or own of his legal Right is one Thing; but if the Dispossessed Prince really has such legal Right, such transferring Allegiance, in my Opinion, must needs do him a great Wrong; he will allow it to be casting off Subjection to him, and turning subject to another against him. Now he that has the legal Right, as I have shown, has God's Authority; and casting off Subjection to him, that has God's Authority, is certainly doing him Wrong; for Authority is no Authority, unless it oblige People to be Subject and Obedient to it. And St. Paul requires Every Soul, in Conscience, towards God, to Rom. 13. keep Subject to the Authority, 1, 5. meaning to the Persons in Authority.



thority. The *Authority* or *Power*, v. 1, 2. being called the *Ruler*, v. 3. and the *Minister of God*, v. 4. And they would plainly wrong the Persons in Authority, if they should renounce and deny them that Subjection which God has given, and requires every Soul to pay to them. On the other side, the Possessor without Right, has not God's Authority; and then Allegiance and Subjection is not his due:

p. 15. 34. *Allegiance*, as the Author himself lays, *being due only to God's*

p. 52. *Authority; and we being to own no King who has not God's Authority.* And to cast off Subjection to the Right in Authority, to whom it is due, and to pay it to the wrongful Possessor, without Authority, to whom it is not due, I, think, is dealing very Unduly, and not according to St. Paul's Rule of Justice, when treating of Rom. 13. these Duties towards Princes, 7. *He requires us to render to all their Dues.*

As for the Author's Reason, p. 26, 27. *That Obedience is not due to the Prince of legal Right, but whilst he actually administers the Government: There were more pretence for that, if he were in God's Authority only whilst he administers it, as he supposes.* But I imagine he will not deny but some Obedience must always, and inseparably be due to God's Authority. For it would be a strange Authority of God, that no Body were under any Obligation to obey; and as strange to think we perform the Scripture Rules, of being subject to Authority when we cast it off. And what I now urge is, that he, who has the legal Right to Authority, though he has not Possession, has not lost the Authority: So that to transfer and renounce *Allegiance* to a Prince, he must be stript of Authority, which cannot be without setting up a better Title, and stripping him of his legal Right too.

Add to all this the Nature of *Authority* it self, which is a *Moral Quality*, as I noted, or *Spiritual Thing*. Now how

should any Man come by this, but by way of *Right and Title*? Being a *Spiritual Thing*, he cannot take it, but must come to be Master of it in its own way, that is, by having Right thereto.

If it be questioned, whether a Man has got the Authority or no, *How should he make it out?* he may show himself possessed of the External Strength, which was the Means of Exercising and Enforcing it; but the Authority may remain with the right Owner, after all that is taken away from him, as I chap. 2. shewed above. And if he can tell no other way of his getting it, but by such force of Arms, it's a strong Argument he has not got it, since it cannot be seized that way. Mere force of Arms can no more take Right than Righteousness; and Men may as well go to storm Temperance, and Humility, as to storm Authority. If one wants it, mere Strength then can never give it; and if one has it, mere loss of Strength can never lose it. *What then must either give, or recal it?* If mere Strength and Force cannot, Right must; so that he has Authority that has Right to it; and he keeps Authority who keeps Right to it, though he can keep nothing else.

II. Secondly, To make Authority go otherwise than by ways of Right, *Suits not with the Honour and Justice of God who is to give it.* The Authority is Gods, and is not to be had but by God's Gift, as we are both agreed; and how will he give it? In ways of Right, or without Right; in ways of Right surely, I think. For,

I. He is a righteous God; and a righteous God will be for planting Right among Men; and this in every Thing. All we have is derived from God, both all the Power, and all the Possessions of the World; and all in the same way of Right, which he is for having universally and unlimitedly Established. So that whilst any man holds, and claims only by Unrighteousness, he doth not hold of God; nor doth God look upon the Thing he holds,

as his, till some way of *Right* makes it so. Whilst he holds it by Wrong, he rates him, not as the Owner, but Usurper, and therefore bids him restore the *Right Owner his own again*: and that is all any Man ever gets with him by mere unrighteous Possession, viz. no *Property* therein but only Guilt and Punishment, and a Necessity of making *Restitution*. So that as God is to derive this *Authority* among Men, he derives it where he derives a Right to it; and without Right he derives none upon any Person.

2. If he derive it not in way of Right, there is but one way left, and that is *To lay it in the midst, and order it to go to the strongest Arm, or to him that can take it*. But this is to throw it up, as a Ball of *Strife*, and set all in War 1 Cor. 14. and Confusion. But God is 33. the God of *Peace*, and *Order*; and there is no keeping Peace, but by ways of Right. If Right be to carry Authority, it will carry it quietly; but if he leave it to Strength and Power; the way, that Power has to get it, is by War and Force; which all men, I think, must needs see can never be the way of the *God of Peace and Order*. If God be supposed to lay it in the midst, and let it go to the Strongest, then he is also supposed not to meddle in the Contest; and then it is to make him cease to govern, and direct human Affairs.

III. Thirdly, It suits with the *Meaning and Obligation of the Commandment*, which is to carry and convey this Authority from God, to the Person authorized. For,

1. The Fifth Commandment, and all others requiring Duty to Superiors, are Commandments of Justice. And St. Paul, calling for the Duties to Princes, bids them *render to all their Dues; Tribute to whom Tribute, &c. Rom. 13. 7.* All Second Table Duties suppose Right in those that claim them; 'tis Unrighteousness to deny them; and there is no Unrighteousness, unless they are denied to those who have Right to them. What is not against any

mans Right is no Wrong to him. So the Commandments carry no Obedience, but to him who has Right to the Obedience; then they must carry it only to him who has the Right to the Authority. For if any Man has no Right to the Authority, 'tis no Breach of Right to set aside his Authority: and then what Unrighteousness can it be, for those that are not under Authority, not to obey? So the Commandments cannot be broke towards him that has no Right to Authority; and therefore are only Commandments of Obedience towards him that has Right to it.

2. The Fifth Commandment calls for this Obedience to the Father, which carries it to Princes, as well as *Natural Parents*. In what sense are they Fathers? Natural? No; but Politick. To the *Politick Father* then Subjects must be obedient: and he is the *Politick Father*, I think, who is the Father by the Rules of the *Polity*; and those Rules of making any one a Father, make the *Legal Right*. Thus also when we are bid to be *Subject to the higher Power, or to honour and obey the King*; the Command or Law of God, requiring the Subjection to him, doth not make any Person *King*; that is the proper Business of human Right, or of the Laws of Men: and God's Command doth not put the Person in that State, but suppose him in it, and that the Ways and Laws of Men, to whom that doth belong, have done it already. Whom therefore the Law, or *Legal Right*, (unless set aside by Divine Nomination, which is a better Right) makes a King; him the Commandment backs, and binds us to be Subject to. Like as the Eighth Commandment makes no Property: But when the Laws of Men, or human Right, have made it, that Command comes in to guard, and forbids any Person to invade it. For

3. In these Commands, *Princes are supposed as set up by Laws or human Rights*; and the Commandment is to give Authority, and carry Obedience to them, *when they are once got in by such Titles*; I mean in

in absence of *Divine Nomination*, which alone takes place of them. God's Law calls for Obedience to him, who is got on a Throne, that is legally and rightfully his own.

For these human Acts and Rights are supposed in the Commandments of the *Second Table*, or the Laws about *Society*. Society is to be a Society of Men; and Men are left by God to order and set up some things therein; and then the Commands of God come to guard, or empower, and carry Obligation to them. And thus it is both with *Government*, and *Matrimony*, and *Property*, and *Converse*, which are the great Business of Society, and the greatest Comfort and Convenience of Life in this World,

When Men are placed in this World, the Good Things of the Earth depend on Care and Industry: and there would be no Enjoyment to encourage Industry, without Property; nor any certain Offspring, to be industrious and careful for, without Matrimony; nor any Guard, either for our Properties, or Families, without Government; nor any Society, without Converse and Communication of Minds; nor Converse, without use of Speech, and settled signification of Words.

Now, as for this *Civil Government*, and *Matrimony*, and *use of Speech*, and *Property*; God has fitted all Men for them, and made Mankind to need them, and to have inducement enough from their own Necessities and Convenience, to set up all these Things, which he designs they should, and is pleased when they do, and has provided sundry Laws to empower and guard, and give them Comfort by them when they have done so. But after all Mankind themselves must set them up; God leaves it to them to make their own Languages, and chuse their own Wives and Husbands, or contract Marriages, and settle Properties, and model Governments, and appoint who shall be their Governours. The Paternal Power, in the long Lives of the *Ancient Patriarchs*, carried the Matter of Government, I conceive, in the first Go-

vernments: But as Men grew shorter lived, and the Sense of Kindred wore out, there would be a Necessity of other Ways of appointing Governours; which therefore human Acts and Ways, must settle as they did the point of Properties, and the other forementioned Things.

Now the way of Mens setting up these is by *human Ways and Rights*. The vesting either of Power, or Property, for instance, must be in some *Persons*; that is, some particular *Persons* must have the Power and the Property. And this way of vesting the Power, or Property, in those *Persons*, can only be by giving them a Right to them; for it is their Right to them, that must make them to become theirs: So that human Acts and Rights, must give every Man the State and Power of a Prince, or of an Husband, and the Property of an Owner; and that must give Words their settled Meanings, whereby any one, that hears them may know what another means.

And as human Ways and Rights are to set up these States or Things; so, since human kind has every where the like necessity, and the like ability therein, these human Rights and Ways will set them up in all places.

And when these human Rights are in every place passed about them, then comes the *Law of God and Nature*, which are to be Laws for every place, to empower or guard what such presupposed human Right has given. The Fifth Commandment makes no particular Man a Prince; nor the Seventh, an Husband; nor the Eighth and Tenth, a Proprietor of what he holds among Men; nor doth the Ninth determine any Speech's signification; but all suppose them. And if God has not done it by immediate Interposition, since it must be done, either by God or Men, they suppose that human Rights have made these already. And supposing all these things of Society, in this State, by human Right; these Commandments come to secure their several and respective Duties towards them. So that, in  
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absence of particular Revelation, which alone can make, not only a better, but indeed any other Right, it is an *Humanly Rightful and Legal Power*, which the Fifth Commandment, and all other Laws of Obedience to Superiours, require us to be subject to, and to support; and *Rightful and Legal Property*, which the Eighth and Tenth Commandments forbid us either to seize or covet; and *Rightful Marriamony*, which the Seventh Commandment will not have violated by Adultery; and *Words of human Settlement and Institution*, wherein the Ninth Commandment forbids all Falsification. So that what human Law fixes, God's Law secures; and to him, that holds any of these things by human Rights, the Commands of God call for this Obedience, and other Duties: And therefore he that has the legal Right, has the Commandment on his side, and must have all the Duty and Obedience which it requires.

And this, I think, may show, That in the Question about transferring Allegiance, *the Case of Conscience is not a mere Point of Law*, as the Author (p. 53.) seems to intimate, or such as doth not involve *Moral and Natural Duties*; wherein he allows *every Man may and must examine and understand for himself*. For tho' the Law must make any Man a Prince, to have the Right to the Allegiance; yet where the Law has given the Right, these Moral and Natural Duties carry all their Obedience to it. The Commandments take him, that has the legal Right, and require all the Duty and Allegiance they enjoin to be paid to him; and require none of it to any other Person. So that in going against the Human Right, we go against the Moral and Divine Precept; which requiring all to him that has the human Right, is either broken, or kept, according as we observe or reject the human Right. Indeed, if the Point of human Right should happen at any time to be more doubtful, and really disputable, it would be a less Offence to mistake it. But so far as we pay our Duties and Obe-

dience, against the human Law and legal Right, we pay them also against the Divine Law and Moral Duties. But this Disobedience, and Breach both of Divine and Human Laws, in such Case, would be the more pardonable, as having the Plea of pitiable Ignorance, and the Mitigation of being in a dark and doubtful Case, wherein Mistakes are less dangerous to honestly disposed Minds.

I observe still further from this, That *the Commandment is equally broke*, in being undutiful to him, that has an *Human Right*, as it would be by Undutifulness to one, that had a *Divine Right*. For the Commandment is equally for securing Obedience to those in Authority by any sort of good Right: Therefore its words, or expression of the Person, is general; to the *Father*, the *Higher Power*, the *Magistrate*; all which must come to be so by some kind of Right, and it matters not what, whether Human or Divine, so long as it is a good Right. It is a Natural Precept, which is equally for *Jews and Gentiles*; and doth not alter the Style, but is the very same, and calls for one and the same Obedience to a King of *Divine Right*, by a *Divine Inail*, or *Nomination*, as it doth to another of mere *Human Right*. Which I note, because, in case of *Joash*, the Author thinks (p. 35.) there was a stricter and more *unalienable Allegiance* due to him, on account he came to the Crown, as he says, by an *Inail from God*. But admit his was a Divine Right; the Commandments for Obedience to rightful Powers carry no more, nor more unalienable Allegiance to it, than they would to an human Right. It calls for it only in the same Words, and lyes equally open to both; and makes no Distinction of either. All it requires for Obedience, is, That they have Right: They must be obeyed whilst they have it, and no longer than they have it. So that be the Right *Joash's*, or a King's of any other Nation, it will equally stand till a better Right has set it aside.

The *Sedition Jews*, I think, were for making



making a great difference in point of Obedience, *between Governments and Kings set up by Revelation, and others by Human Right*; and so esteemed the Heathen Powers, who had no Word or Revelation of God for their Government or Governors, but only human Ways and Titles, as no Powers, to whom the Command required Subjection and Obedience. This Was one great cause of their reckless Endeavours to cast off those Powers. One Pretence was, recovering their own Liberty, which St. Peter notes *1 Pet. 2. 16. the Judaizers used for a Cloak of Maliciousness, or Cover of Rebellion*; the Insufficiency and Iniquity whereof is attempted to be proved and made plain to them in the Speeches of *K. Agrippa and Josephus*. But *Ap. Jos. de another was, Want of God's Bel. 1. 2. c. 1. Authority in these Powers. 1. 6. c. 11.* Much troubled they were with this in our Saviour's time, and brought it as a Question of Conscience to him, *Whether it was Matt. 22. lawful to own them*. They were more possessed with this when St. Paul writ to those at

*Rome*; and higher still, when St. Peter writ, being so generally filled therewith, as made them ready to burst out into those Commotions, in all places, which brought their Exclusion, and the final Overthrow of their City and Nation. But in opposition to this, St. Paul tells them, *the Powers then in being were of God, Rom. 13. 1. and to resist them would be to resist the διαταγήν θεού, the Divine Ordinance or Precept carrying Obedience*, which called for it as much, and as expressly, to these Powers, as to any the most Anointed King.

This is the meaning of the *Commandment about Obedience to Princes*, to carry Authority, and call for Obedience to *rightful Powers*; or, to those only, who in absence of Divine Revelation, have legal or human Rights to their Thrones.

And thus by *Kings, or Higher Powers, and Authorities*, in these Commandments

must be meant *Rightful Powers*. Yea, I add, in all Precepts towards one in a State, as towards a King, an Husband, a Master, or the like, Right is supposed. The reason is because these are Things, that go by Right, and the Person is not vested with the State, or it is none of his, nor can be till he has a Right to it; so Right is sufficiently employed, though it be not mentioned. Thus *Honour thy Father*, is Honour thy true and real, not thy false and pretended Father. And *Husbands love your Wives as your own Flesh*, is your right and true Wives, not your Concubines. And *Wives obey your Husbands*, is your true Husbands, not any as they shall call so, as Usurping their Husbands Place, who are only nominal Husbands, but real Adulterers. In all which Cases Right is not only supposed, as I say it must be in Things, that come to a Person by Right, but is judged so in the common Understanding of Mankind. Nay, the expressing the King, or Husband simply, without any Epithet of Diminution is a sufficient Expression of it; for the Wrong is not the Person simply speaking, but only with a Note of Diminution either expressed, or imploy'd. As in the Case of Kings, they are not real Kings, but real Usurpers, and only pretended Kings, or *Kings de Facto*, as the Phrase *Stat. 1. Ed. and Style of Law is* 4. c. 1.

And this takes off what the Author objects, viz. *That the Scripture makes no Exception, or gives no express Caution against Submitting to usurping or pretended Kings*; for Caution enough it gives, though not in express Words. The Precept of submitting and keeping subject to Kings, is sufficient Prohibition not to turn subject to Usurpers: For since we cannot have two Allegiances, or two Kings, as he rightly observes, we cannot be subject to both; and therefore the same Scripture, that bids every Soul be subject to the King, forbids them to turn subject to the Usurper, who is not the King; which being a State that comes  
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to one by Right, the Command means of the rightful Person. And had there been no more exprefs Prohibition in Scripture of *Wives* adhering to an Adulterer, than there is of a *Subject* adhering to an Usurper; I suppose the Author would think that sufficiently forbid, when she is Commanded to adhere to her own Husband. Why not in the other Case then, when Subjects are required to adhere to their King? For Right is equally exprest, and equally supposed; and one is to go by Right as much as the other is.

I add in the last place, That the World was in the Hand of rightful Rulers, when the Apostles gave Subjects *Precepts of Obedience*. So that as the Nature of the Thing admitted not, and the use of Speech needed not; so neither did the present Circumstance of Times and Persons, prompt any Occasion

p. 20. to make Exceptions. This the Author urges on the other side, and imagines the very giving of these Commands of *Subjection to the Subjects of the Roman Empire*, is little less than a *Demonstration*, that they were not meant only of legal rightful Powers. But had not the Roman Emperors human Rights? Yes, the Empire was set up by

Law, when the Senate, by *Diol. 54.* joynt Consent in open Court, p. 570 *Sc.* Devolved their Sovereign and 576. Power upon *Augustus*: From which time, by the *Lex Regia*,

it became the legal Government. And the Emperors, that sway'd this legal Empire,

p. 21. Had some kind of Consent from the Senate, says the Author himself, *Extorted by Fear, or Flattery, or other Arts*. I know not what he means by *some kind of Consent*; but this was a Consent of the Senate legally Convened, and Sitting, and Acting in open Court, and giving every Man his Vote when it was put to the Vote. And such a Consent in Form, and in open Court, is that which makes an human Right, or such as the State of *Rome* had. And as for Practices by Fear, or Flattery, or hopes of

Preferment, or other corrupt Arts; they are not tyed to the Senate of *Rome*, but are as lyable to be used on all *Electors in Elective Kingdoms, and on all Publick Assemblies*. But for all this, if a Thing is Voted, and pass in Form, it makes a legal Right; and there is no going to null the Acts by making such Exceptions. So that as the Empire was a Legal Government, the Emperors, I think, were Legal Governors; at least those Emperors, under whom our Saviour Christ, and his Apostles gave these *Precepts*.

But for so many Ages together, their Titles, he says, were all p. 20. of them stark Naught, or the very best of them very Doubtful. Why were there so many then that Reigned without the Consent of the Senate? No, that is not his meaning, I suppose; but only that Numbers of them, and sometimes for several Successions, set up and usurped upon their Masters, and came to the Empire by Rebellion, and Murder of the former Emperors: These ways indeed were stark Naught. And whilst their Lawful Emperor was alive, they usurped on him; and when he was dead, till the Senate had put an end to the Usurpation by their Consent, they usurped on them; but when by the Murder of the Legal Emperor, the Senate had no Emperor, they were free to make one. And when they had Consented, and Voted this Usurper Emperor; he would then be Rightful and have the same Right, viz. their Consent, as the former had. And this was the way of these Usurpers, when they had slain their Masters, and possessed themselves of the Army and Power of the Sword; they sent to the Senate for a Title, and their Consent gave them a Right to it; which Consent of theirs could wrong none: Nor in an Elective Empire, had they had no Consent, but Ruled without Right, could any Subjects have had the present Hindrances to voluntary Submitting, by being under a contrary Obligation to any other Person.

*But whatever the Emperors*  
 pag. 21. *were over the Romans, the*  
*Romans themselves*, he says,  
*were great Usurpers over other Nations;*  
 and yet these Scripture Commands are  
 for having those Nations keep under their  
 Obedience. But had not these Nations  
 submitted, the Kings themselves, if alive,  
 coming into those Submissions to the  
*Romans*? And so long as People only Con-  
 sent to give up what is their Own, not  
 what is the *Right* of a Third Person, such  
 Consent gives an human *Right*. So by  
 means of this Consent, and Submission of  
 themselves, those *Nations* gave like *Right*  
 over them to the *Romans*, as the *Romans*  
 by their Consent and Submission gave to  
 the *Emperors*. And as to the *Jews* in  
 particular, the *Romans* had not only this  
 human Right over them, by their own  
 Consent and Submission, but in our Sa-  
 viour's days; this had stood for well on  
 towards an *Hundred Years*, which gives  
 another *Degree of human Right*, that at  
 least is a good Strengthen of the former,  
 and that is *Prescription*. So that Sub-  
 mission required to the Powers in the  
*Apostles Days*, speaks nothing but Sub-  
 mission to a rightful King.

And these Considerations, I judge, may  
 be sufficient to show, that the Submission  
 and Obedience call'd for by the Scripture  
 Commands, is an Obedience to rightful  
 Powers.

But against this he Objects several  
 Things.

1. First, he says, *The Powers*  
 pag. 18. *which these Scripture Com-*  
*mands call for Obedience to, are*  
*the present Powers, without Distinction be-*  
*tween rightful Kings and Usurpers.* But  
 to make any Person the Power, or *Autbor-*  
*ity in being*, or the *present Authority*,  
 must imply Right. He is not the present  
 Authority, unless at present he has it  
 vested in him, and it be his Authority;  
 and how can it be his, but by some  
 good Right, or his having a Title to it?  
 So the present Power must be he, who

at present has the Right to the Power;  
 without a precedent Right to make it his,  
 no Person being capable to pretend to  
 have any Authority, which Subjects may  
 either lawfully defend, or are bound to  
 obey; which either God gives, or the  
 Command means and intends, or calls for  
 Obedience to, as has been already shewed.  
 And this is enough for these Scriptures,  
 which in requiring Obedience to the pre-  
 sent Powers, require it only to the present  
 lawful Powers: And such the Powers were,  
 that were then *Present*, or then in *Being*,  
 who are expressly meant therein, as I  
 proved before.

2. He says, *We have no Ex-*  
*ample in Scripture of any People* pag. 21.  
*ever blamed for submitting to*  
*the present usurping Power.* Many Usur-  
 pations indeed the Scripture mentions,  
 particularly among the *Israelitish Kings*:  
 But the Scriptures not blaming Peoples  
 Submission to such Usurpers, is no Proof  
 it was without Blame; for the same Scrip-  
 tures are Ordinarily content to relate, and  
 do not blame the usurping Kings them-  
 selves for making the Usurpation; and  
 yet, I am sure, this Reverend Person would  
 blame them. But it is not always blame-  
 worthy to submit to Usurpers; but only  
 in them, who at the same time are under  
 Obligation to another's Right, or to sub-  
 mit to an Usurper against a rightful Prince.  
 And these Scripture Submissions to Usur-  
 pers, were not against any rightful Princes;  
 For against whose Right did the People  
 submit, or to whom else, Were they under  
 any contrary Obligation? not to the for-  
 mer King, for the Usurper had Murdered  
 him to get into his Throne; nor to any  
 rightful Heir, whom immediately on his  
 Father's Death, the Law made King. For  
 the *Crown of Israel* was not intailed by  
 Law to lineal Descent, and Proximity of  
 Blood. And the same may be said of  
 other Scripture Submissions to the *Egyp-*  
*tians, Babylonians, Persians, or Romans*, or  
 to any one else. The People in *Jury*, or  
 elsewhere, either submitted when they had  
 no King, nor any left, that had Kingly  
 E Right

Right over them ; or when the Kings themselves came together with the People into the Submission. So these Submissions were against no other Person's Right, nor did any Third Person any Wrong : And therefore the Scriptures might have no Cause to blame them ; and yet have Cause enough to blame others for turning subject to an Usurper, whilst they have a rightful King of their own, to whom they are under a contrary Obligation.

3. *Our Saviour's Argument,* page 21. he says, *relies wholly on Possession, and the Image and Superscription* of the Coin, *if it be a good Reason for Submission*, will carry as much to an Usurper as to the most rightful King. But when our Saviour shewed *Caesar's* Coin to the *Pharisees*, it was a good Reason in their Case. When the Author produces it for Submission to an Usurper against a lawful Prince, it is none in his: The Reason is, because they are two different Questions ; and what is a good Answer to one Question, need not to be a good Answer to another. The Question that puzzel'd and stuck with the *Pharisees*, was not *whether they ought to be subject to any other*, for no Body else had any pretence of Right over them, nor could they have any exception to this Submission, as being under a contrary Obligation to any *Third Person*. But theirs was only whether they were subject to him ; not only whether his *Heathen Power* was the *Power meant in the Commandment* ; which is sufficiently decided by our Lord's ordering *the dues of Authority to be paid to it* ; but whether it ought to be a *Power over them*, as being an *infringement of Jewish Freedom* ; it was a Dispute between their own Liberty, and his Authority, whether they were *Caesar's* Subjects, or their own Masters ; not betwixt Submission to him, as I say, and to any other more rightful Power. Now in the Question, whether they were their own Masters, or *Caesar's* Subjects, to show the Coin is a good Reason ; for it shewed they were under his Sub-

jection as a Token of their having receiv'd the *Roman Yoke*, and submitted to their Power, which gives a Right among Men ; and of this only our Lord was to give a Reason. But as to the present Case of submitting to an Usurper against the Right of a *Third Person*, or a rightful King, that was not propos'd to him.

4. He says, *God Commands Submission to Usurpers*, and page 21. *Condemns refusal thereof when he Commands the Jews, by the Prophet Jeremiah, to submit to the Babylonians*. This, by *Jeremiah*, he thinks, was an *Express Command from God*, *ibid.* *to be subject to the King of Babylon*. If so, I cannot understand what sort of Usurper the *King of Babylon* was ; for if God by a Prophet expressly Commands, that they shall be his Subjects ; he expressly Commands withall, that he shall be their King. And then he is King by *Divine express Command*, which is the same, as by *Divine express Nomination* ; which we both agree, is the best Right and Title, whereby any Prince can hold his Throne, and so must absolutely exclude all charge of *Usurpation*.

Besides, what sort of Usurper will he make *Nebuchadnezzar* before *this Command* ? Had not all, both King and People, before this, submitted and given up themselves to him ? Nay, even the King himself, *Zedekiah* by name, had accepted the Crown from him, and had taken an Oath of Fealty, and Allegiance to him, and had broken that Oath, in hopes of Succour from Egypt ; for which he is so severely threatned by God, *Ezek. 17*. And this breach of Oath, and Rebellion against his Leige Lord the King of Babylon, was the very Thing, that brought the *Babylonians* to besiege *Jerusalem*, when *Jeremiah* came from God, to bid the *Jews* under *Zedekiah* to submit to him, *Jer. 21*. Justly therefore might God Condemn *Zedekiah*, and the *Jews*, for standing out against the King of Babylon ; which was only to Condemn Subjects for standing out against their King.



I add, That as to *Jeremiab's Prophecies*, they were *Predictions of Events*, and of the final Success of the *Babylonian*, either against the *Jews*, or other Nations; and so were Warnings to all that would believe the Prophet, to prevent Extremities by early Submissions, and to compound and make good Terms for themselves. And the great Offence of any People, so far as concerns these Predictions, setting aside what might concern them any otherwise as they were his Subjects before, was *Disbelief of God's Prophet*, and *hearkning to false Prophets against God*; which in the Event would be its own Punishment, when they should be carried away by standing out, who might have stayed in their own Land, had they believed God, and submitted as he directed, Jer. 27. 9, 10, 11.

5. Lastly, If *Allegiance must only go to rightful Powers*, they who are to obey, will be concerned to understand p.19,20.2. who is the Right; and this, he thinks, would be such a *Perplexity of Conscience*, as God never designs, especially in Duties that concern all Persons.

But now this *Perplexity of Conscience* is not confined to the Right of Princes, but is common to all Rights, either of Princes, or of private Persons. For if their Conscience is tyed up to a private Right, there is the same Necessity of being able to judge between a pretended and real Right, and of knowing exactly what gives a real Right, that they may not misplace the payment of it; which are the Difficulties of

page 19. Conscience he mentions, in giving a Prince his Right. And yet, for all these Perplexities, 'tis plain God has bound all Mens Consciences to such Right, else they would not be bound in Conscience to give every Man his Due, or to be Righteous; other Duties also are as liable to these Perplexities, as Right is. Idolatry concerns all Mens Consciences, and particularly the *Worship of Images against the First, and Second Commandments*. And are not all Mens Consciences, as liable to be perplexed in understanding what

Idolatry is, and what is an Idolatrous Image, and what an Idolatrous Worship thereof; and are not as perplexed Disputes raised about them, betwixt us and the Papists, as any that are liable to be raised about Rights? Lying concerns all Mens Consciences. And may not Mens Consciences be sufficiently perplexed in inquiring, what makes the Evil of a Lye, and how far Men are obliged, and how they come to be so, to use Words in such a certain Sense, to know when they do, and when they do not tell those Lies, which are against Conscience? And the like Perplexities are liable to be started about Oaths, and Sabbaths, and Government, and Property, and Adultery, that is, about all the Commandments. And yet for all this liability to such Perplexities, God has made them all, to be matter of Conscience to all Men. So that this is no more an Argument against our Consciences being bound to the Rights of Princes, than against their being bound to any other Thing.

The Truth of the Case is, as I conceive, there is a plain understanding of the Things themselves, and that is obvious. But there is a seeking to understand further, by searching into Grounds and Reasons, and that is full of Perplexities. The First way of Understanding is, the way of plain Minds; the later of nice Wits, and Philosophers. And Men generally understand the First way, whilst they are willing to do a Duty; but they then more especially set their Wits to understand the later way, when they are unwilling to do it, and fall a turning every Stone to evade it. And thus, I think, all the foresaid Duties are plain to all Men, who would take them in a plain and obvious Understanding, as Men willing to do them; and all will be perplexed when they come to be Disputed and Spun out into Niceties by learned Men, when they grow uneasy under, and study to avoid them. And, I think, one shall hear no Complaint of the perplexedness of any of the foresaid Moral Duties, till Disputing Wits came to perplex, and meddle in them,

Particularly, as to the *Right of Princes*, I see not, but that is as plain as the *Rights of a private Person*. They have as plain a way among us of coming to have Right, as any private Person; for it is the very same, *viz. Proximity of Blood, or Lineal Descent*, by inheriting from their Fathers, or Predecessors. And do not other Men, in every Neighborhood, come the same way by their Estate? So that in ordinary Course, they may as easily know their Princes Right, as their own Right, or their Neighbor's Right: And then they may as easily know how to do him Right, as how to do them Right. And who should have the Crown after him, is as well known, as who should have their own Estate of Inheritance after them. 'Tis as easy to know who is the King's Heir, as who is their own, or their Landlord's Heir: For the King's Children are more notorious, or better known, and the Ages of them, than the Children of any private Person. Sometimes, I grant, a Dispute may be raised about them; and all Disputes bring on Allegations to serve turns, and will perplex any Thing. But may not the same be raised concerning any private Right, or any other Thing? So their Rights are knowable, as any private Persons in all ordinary Course, and lyable only, as these are, by accident to be perplexed by contingent Disputes; and therefore one is no harder upon the Conscience, for ought I see, than the other is.

But were it their Duty to submit only to him that has Right, they could  
 pag. 2, 19. not Discharge that Duty, he says, or understand the Prince to be Right who claims it, without turning over the *Laws and History of a Nation*, and being well skilled in them. But cannot a Man that knows neither Law, nor History, know the next in Blood to the former King, has the Right to the *English Crown*? This is known by the general Consent and Acknowledgment of Men in all parts of the Realm. And if a Man is not Book learned, such a Tradi-

tionary Knowledge of the Law in that Point is enough for him. So that thus far he may easily satisfy himself, *viz. who is the rightful King, according to the present received way of Succeeding*.

But whether this has always given Right, and was formerly the way, must depend on *History*, unless the Government had begun within Memory of Man, and were but of yesterday. But the same Question must do so in any other Thing, that begun long ago. And in particular, all the Truths and Duties of our Holy Religion are much Older than our Government. And if any one is not content to take any of them, as he finds them now at present in the Holy Scriptures, and the Practice and Profession of the Church, shall make a Question whether they were Held and Practised so in all Ancient time; this would lead us, and doth lead the Disputants of all Parties into another kind of Historical Search than this which he speaks of, into our *Laws and Chronicles*. And yet, for all such a Question, about the Reception of them in times past, would draw on such an Historical Search; the Author very well knows, That all these Duties are bound by God on all Men's Consciences.

And now, by all that has been said on this point, I think it may sufficiently appear, That if God doth not fix it in a Person, by special Revelation, Civil Authority must go by human Right. Right is inseparable from it, in the Nature of Things, in the Gift of God, in the Supposal and Intention of the Commandments, that carry it, and call for Obedience to it. So that he who has no good Right to it, has no Authority; but he who has the Right to it, has the Authority, which the Commands of God require us to bear Allegiance, and keep subject to.

And all this is agreeable to that Scripture and Common Reason which tells us, That no man can put himself into Authority. No man takes this Honour to himself, but must be called to it, says St. Paul, *Heb. 5. 4, 5.* speaking of the *Pastoral or Priestly*

*Priestly Authority*, which is God's Authority, as the Civil is. And Civil Magistrates, when Obedience is called for to them, are likewise styled *God's Ministers*, Rom 13. 4. all the Authority they have over others, being as his *Deputies* and *Vicegerents*. Authority then no man can have, but by being rightfully *Deputed* and *Called* to it, or having it duly committed to him. By what Authority

Mat. 21.  
23.

*dost thou these things, and who gave thee this Authority* is a Question most natural to be put to every such Person, and must be answered, by shewing some good Call and Commission. Now this calling a Man to Authority, and Deputation of God, must be by some Title of Right, or rightful Way, not by thrusting himself into it, which is setting up uncalled; and if a man puts himself upon it, without being call'd thereto, and assumes it without any Title of Right, he only puts himself in Commission, which is no Commission. And as his Commission is from himself, his Authority is so too. So such a Man will only be a King of his own making; but there is no Authority of God derived to him, nor Call of his, to carry it, or authorize him. And therefore what he doth require, must be in regard to himself, and not to God; who having never Commissioned, or rightfully called him, calls not the People to obey him.

The like I might also add of *our own Laws*, which make the *Regal Authority* to go with the *Legal Right*, and vest it in the Person that has the Right, and that when another has dispossessed him, and got the Possession from him. Thus *Q. Mary* having the Right, the Statute declares the Regal Authority to have been vested in her Person, during all the Possession of *Q. Jane*. And in *Richard II.* during the Possession of *Henry IV.* And in the right Heir, by *Henry VIII.* Settlement, during the Possession of the Usurper. Under all which, he that had the Right, in the Eye of Law, had the Authority: And such Acts against Authority, as the Law calls

Treason, were declared to be Treason against them. As it was also in *K. Charles I.* who, keeping his Legal Right, kept his Authority, when he stood dispossessed of all besides, before the *High Court of Justice*. As *K. Charles II.* also did afterwards, all the time he was driven out, and lived an Exile, as I formerly observed Chap. 2.

But the Author thinks, (p. 14 15. 65.) He that is in Possession of the Crown, tho' without Legal Right, is King in the Eye of Law; and he that is turned out of Possession, though he has Legal Right, is not King in the Eye of Law. He ought, as he words it, by the Laws of the Land, to be King, but is not.

As for the Possessor without Right, I will tell him what kind of King, in my Opinion, the Law counts him. If he were a Subject before, it looks upon him, in the height of his usurped Possession, to be still a Subject to him that has the Right, and is dispossessed of it; and, as a Subject, to owe Faith and Allegiance to him: To break that Faith, in acting against him, to be tryable by Law, and attainable as a Traitor, and punishable for the same. All which is plain, from the Instances of *Henry IV.* of the usurping Heirs of *Henry VIII.* and of *Queen Jane*. And in the several *Mutual Attainders*, during the Contentments betwixt the two Houses; in which, though every King served himself of Law, on pretence of having Right in his own Reign; yet when, on any Turn, the Law came to look upon him as wanting Right, and only as an Usurper, or King in Fact; it still treated, and tried, and attainted him, as a Subject. Here then, if such an one be a King, in the Eye of Law, is he a Subject, Traitorous, Tryable, Punishable, King? And whether this, in the Eye of Law, is the true Sovereign, or the suprem and unaccountable King, I leave him to judge.

And as for him that has Right, who, as he fancies, in the Eye of Law is no King; he is such a No-King, as, in the Eye of Law, has the Regal Authority, as I have shown, still vested in him; as has Alle-

giance, by Law, due to him; and Treason, by Law, committable against him. As is plain from *Q. Mary, K. Charles the First and Second*, and all the forecited Instances; and will be further, from what I shall note from Law, of the Dueness of Allegiance to a dispossessed Prince. And how such an one, whom the Law vests with the Authority of a King, and to whom it gives the Allegiance due to a King, and against whom it makes Treason as against a King; should yet, for all this, in the Eye of Law, be no King, I cannot imagine.

Though therefore I cannot say, That *Allegiance is due only to Right*, as the Author words it, *p. 1.* which I think not so well expressed; yet *is it only due to him that has the Right*. Allegiance is due to Authority; and, in absence of Revelation, by the Laws both of God and Men, Authority must go by human Right. So that he only, that has human Right to the Authority, is to have the Authority, and, by virtue of that, the Allegiance too. And therefore the Question of *Legal Right* must come into this Dispute of *transferring Allegiance*, I conceive, since it must not be paid from him that has, or paid against him to another that has not Right; and there is no way left to justify such Translation of Allegiance without it. And if what I have offered hereupon has proved this point, I think it strikes home at the main Design of this Learned Person's Book.

And this will show him why, when a rightful Prince is Dispossessed, *The Government cannot be settled under the wrongful Possessor, unless he that has the Right submit*, and so by his consent come in to make the Settlement. For  
page 9. *this*, says he, *I would very gladly bear a good Reason*. I will tell him what I think a very good one. This Settlement of a Government is a Settlement of a Man in Authority. And without Right there is no having, and so no settling of a Man's self in any Autho-

riety. So the Possessor must get Right before he can come to this Settlement. And if the ejected Prince has this Right, he must have it of him; for he must have it where it is to be had. And if he has it of him, he must have it by his Consent; for it's a Man's own Will and Consent that gives away his Right; and thus his Consent comes to be necessary to such Settlement. And the Peoples Consent and Submission cannot settle the Possessor without him, because it cannot give Right to the Authority, which the Case supposes they have not in themselves, but the ejected Prince has. And as this is the Truth of the Case; so, I think, I shall show him it was the meaning of the Convocation, who take in Right into their thorough Settlement, when I come to consider what he has offered on that Point.

Having thus shewed, *That in absence of Divine Nomination, Civil Authority is to go by human Right*; I will here add something briefly in the

#### IV. Fourth Place, Of those ways of human Right which are to convey it.

Now what Right Men make, their Consent makes. When they give a Thing, it is their own Will that gives it. A Thing is their own when they may dispose of it as they will; so their Will must part with it: And when they have Consented that another shall have it, they have parted therewith, and transferred their own Power of Disposal on him, or given him a Right to it.

What God has left to Men, is not to give Authority; that contains a Power of Life and Death, which they have not over themselves, and is to reach and lay Obligation on the Conscience, which they are not Lords of; but the Authority is Gods, and he must give what is his: Whence they are called Gods, *Ex. 22. 28.* and God's Vicegerents and Ministers, as Men Commissioned *Rom. 13.* by him, and bearing his Authority, and standing in his Place, And this Authority is derived from



from God in his Command, which authorizes Princes, and obliges Subjects, as was before Discour'd.

But he has left them to agree upon the Form, after what way it shall be Administred, and to appoint the Person who is to have it, or to give him a Right and Title to it, which will make it his Authority: It cannot be exercised, unless some Person have it; and it cannot be had without some Right and Title to it; and this more especially since the ceasing of the *Patriarchal* Government, God has left Men to give. And their way of giving it, or any thing else which is in their Power, is by their own Consent, either carried in their Laws and legal Constitution; for Laws speak the Consent of those concerned in them; or in their Submissions, and that is Consent too, to those who have Conquer'd them.

1. The First is a *legal Right*, or what the Laws of any Nation make to be a Title to the Crown; whether it be *Proximity of Blood*, and *Course of Descent*, as in Hereditary Kingdoms appropriate in some Places to the Males; or common in others to Females, in want of Male Heirs; or it be the *Election* of those, who are empowered by Law to chuse a King, as it is in *Elective Kingdoms*, and was Anciently the way in the *Empire of Rome*; or whatever else that gives Title to the Sovereign Power, by the National Constitution. And this legal Right puts Men in Power, in a Quiet and Peaceable Course of Things, when a Nation are left to themselves, and to the Power and Direction of their own Laws.

2. The later, *viz.* Submission of a People, left without a King, or of King and People, to those who have conquered them; I call, for Distinction, by the more general Name of an *human Right*. 'Tis not the particular way of giving Right, by the way of their Nation, which is a limited way of consenting, and giving Right among them; but it is Consent too,

which is the general way of giving Right among Men. And Mens Consent doth give what they have to give up, though they do not consent in such or such a Method.

Not that mere Force, or Conquest it self, gives Right; for Right is no more to be taken by Force, than Authority is; but the Consent and Submission of those who are conquered, may give it to him who conquered them. Till they submit to be subject to him as King, he has only Force, but no Authority over them: But their Consent and Submission, when it comes, can give him all that depends on them, that is, a Title to Rule over them. When Law makes a King, Consent carried in Law, gives the Right to him. And why should not Consent without Law do the same?

But *this*, says the Author, (p. 24.) is only a forced and after Consent. As for its being *after*, it is after the Conquest, but it is not after the Right; for not the Conquest, but Consent, makes the Right: And Consent will give him what it has to give him, whether after or before he conquered them. And as to its being *forced*, it was not so forced, but if they had preferred their Liberty before other Conveniences, they might have refused it; tho' in Love of Liberty, and on other accounts, they were loth to come under it. But though they do come unwillingly to it, consent they do, and chuse to submit at last. And this, though not wholly free, but on Consideration to prevent a worse thing, is yet so much Freedom, as transfers things among Men, and makes an human Right. For how many things do Men part withal, as driven by Necessities and Considerations, much against their Wills; but still, at last consenting, that parts with their Right to them. In Treaties, at the shutting up of Wars, do not the weaker Princes usually consent to things much against their Wills? Yet such Concessions confessedly convey human Rights. And was it not much against the Grane, when the Jewish Kings sub-

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mitted to hold of *Nebuchadnezzar*? particularly when *Zedekiah* received the Crown from him, and promised Allegiance upon Oath: Had he not much rather have held the same independent, and have received it from his Ancestors, in way of Inheritance? Yet this Submission and Oath gave *Nebuchadnezzar* a Right; and God accounts *Zedekiah* as very unrighteous, and punished him accordingly, for breaking it. And such an human Right, all National Submissions gave to the *four Monarchies*, and other Conquerors, either over the *Jews*, or over other Nations.

3. Another way there is of giving Right by *Submission*, and that is not *Express*, but *Presumptive*, viz. when he that has it, omits to make any claim of it so long, till all conclude he has given it up; which, I conceive, is the Right of *Prescription*. A Man's Right must affect all concerned to do him Right, if he stands upon it; but if he never shews he stands upon it, the Presumption of Mankind comes to conclude at last, that he is willing to let it fall, or give it up: Even by our own Law Men may lose Things, by neglecting to claim them in some reasonable Time, which the Law construes a *Relinquishment* of them. And this giving it up, by seeming to do so visibly in never claiming it, gives that sort of human Right among Men called *Prescription*.

pag. 24. Not that *Wrong* grows Right by *continuance*, as the Author objects; but what makes it a Right, is the other's Consent, or Relinquishment, notified sufficiently, as Men presume, by his never making claim thereof. And if he that has the Right to a Crown, will Relinquish it, the Submission of the People is enough to give the Possessor a Right to it. And though this Prescription is not always allowed against the rightful

King, by the Laws of particular Nations; as the Duke of *Rot. Par. York* pleaded, it was not to 39. H. 6. bar his Title by our own Laws n. 16. when he claimed his Right against *Henry the Sixth*: Yet where it is left to that, and is not by any National Provisions otherwise excepted, it is thought to do so in common human Estimate, and is made to give an human Right; or, however, it is a good Strengthen of the former, when the Consent and Submissions were express before.

Such as these are the ways of any Persons having, or getting a Right to a Throne; either a legal Right, when the Crown is given him by the particular Laws of the Nation, or a more general sort of Right, by the Consent and Submission of those who are subject to him, and own no other to have a Right over them; which is still the more confirmed, the oftener this Consent is repeated; and the longer it is continued, till Time has made it a Prescription, as the Power of the Emperors was over the *Jews*, in the Days of *Christ*, and his *Apostles*. And in absence of *Divine Nomination*, the human Rights thereto are to put all Persons into any Authority, that they may be the *Father*, or *Higher Power*, which the Commandments require us to be subject to.

And this may shew sufficiently, how by this Plea of a *mere King de Facto without Right*, the Difficulties against the Allegiance in Debate from the *Fifth* Commandment will still continue, as well as those from the other Commandments. If an ejected King be allowed to have the Right, all the Laws of Obedience, for ought I see, are like to go with the Right. So by this Supposition, such transferring of Allegiance, would be a most open Undutifulness, against the Call of that Precept.

## C H A P. IV.

*Obedience to rightful Authority, not tied to actual Administration of Government.*

HAVING thus cleared the first Point, *That Authority is to go by Human Right*; I now proceed to the second, viz. to show, *That Obedience is due to Authority*, and not merely to the actual Exercise thereof, or to Administration of Government.

p. 26. 27. *The Duty of Subjects*, he 28. 32. &c. thinks, *is only to submit to a* 15. 16. 21. *Prince, whom he actually Administers*. If he doth not actually administer; Obedience, in his Notion, *is not his Right*; nor *is paying that Obedience, to him who doth actually Govern, giving away his Right*: Obedience and Submission being due to him only whilst he is in Possession of the Throne. And this is another main Point, which he still supposes, and builds on.

But as he who has the Right may appear, from what is already said, to have the Authority; I shall now show, *That he who has the Authority, must have the Duty and Allegiance which the Commandments call for to the Authority*; and that, whether he be in Place to exercise it, or no.

Indeed, when he cannot exercise his Authority, Subjects cannot obey or disobey an elected Prince, in that Exercise. As for Instance, they cannot obey him in his due Proclamations, or legal Commands, when he can issue out none; nor in Courts and Officers, when they do not proceed in his Name, or act by any Commission from him, unless, according to

the Opinion of some, for the Maintenance and Course of Justice, he may be thought and shown to derive some Authority to them, which I leave others to determine. But the main of Obedience, is *keeping under Obedience*, or owning the Authority of his Person, and our own Subjection and Obligation to him: And there is no Breach of Obedience, like to that of casting off all Obedience. To disobey him in any particular Act of exercising his Authority, is only ill, as it is an Infringement and Violation of the Authority of his Person; and to throw off all Obedience, is an utter Abolition and absolute Denial thereof. The former may be the Offence of a Subject; but the later, of one that owes no Subjection. When a Man only disobeys him in exercising his Authority, though he disobeys him in one thing, he may be ready to obey him in every other thing: But when he throws off his Authority, and Obedience it self, from that time he is for obeying him in nothing at all.

Though therefore, as he says, (p. 26.) *there is no Duty Subjects owe to Princes, as Subjects, but to obey them*; yet is there Obedience to those that cannot actually govern, and room enough for Subjects to disobey them: Not to disobey them in actual Government, but in what is worse than that. To act any thing hurtful or prejudicial to their Persons, Interests, or Authorities, is highly to disobey, if it be any part of due Obedience affectionately

to serve and support them. And to throw off all Obedience, and turn Subject to another Person, is the height of Disobedience; such disclaiming of all Allegiance and Subjection, being that which makes open Rebellion to be so much a more heinous Disobedience, than breaking of a single Law or Proclamation.

Now this Obedience, or *keeping under Obedience*, and being ready to pay it actually, as we can, is due to the Authority, and inseparably follows it; and so to him that has the Authority, whether he be in Possession, or Place to exercise it, or no.

This, I think, may sufficiently appear, from these following Considerations.

1. From the *Nature of Authority*; which, as I formerly observed, is to lay Obligation, and that upon the Consciences of Men. Authority is no Authority, unless it oblige; and what is Authority to oblige to, but Obedience? And it must needs be a very strange sort of Authority, which every one is free in Conscience to despise, and no body is bound to obey. So that, leave any Man Authority, and in the nature of things, you leave a due Obedience to it also.

2. From its being *God's Authority*. It is a plain Case, God's Authority must always have something Due; that is Obedience due to it. If you could suppose no Obedience due to God's Authority, you may suppose no Obedience due to God himself; for all the Obedience due to him, is upon the Account of his Authority: And therefore, leave any Person vested in God's Authority, and there is no need of any Thing more, for Obedience is immediately his Due.

3. From the *Commands requiring Obedience*, which fix it to the Authority. *Honour thy Father, be Subject to the Higher Powers, Obey Magistrates*. He that has the Father's Authority, is without more ado the Father: And he that has the Higher Powers, or Prince's Authority, is the Prince; for it is the Regal Authority, that makes him King or Prince. And make

him once the Father, or the Prince, as the Authority immediately doth; and these Precepts ask no more, for the Obedience they require.

Accordingly, in all Authorities, this Obedience is kept on payable and due, whether they are under the Exercise of the Authority, or no. What Exercise doth a Wife, or Family receive of an Husband's, or Father's, or Master's Authority, when he is beyond the Seas? which will put a stop to actual Government and Communication, as much between them, I suppose, as between a Prince and his Subjects. And yet all these, though they cannot obey their Relatives in the Exercise of their Authority, whilst there is, or can be no Exercise of it, are still bound to keep under their Obedience, and act in what they can for their Authority and Interests; and would shew themselves very Undutiful and Disobedient to them, should they, in their absence, act any Thing directly against their Authority, Persons, or Interests; especially should they go to disclaim and cast off their Authority over them, or go to transfer and fix that Authority in another, though thought by them a more deserving Person.

But as to these Precepts, he says, *He is sure the only direction of Scripture, is to submit to those, who are in the actual Administration of Government*. How is he sure of that? One Scripture bids *Honour the Father*, another *Obey the Quota*, i. e. *Authority*, or *Higher Power*; and so in other Authorities. And yet these Names of *Father*, *Higher Power*, *Husband*, *Master*, to whom they direct this Obedience, speak only Authority, not Exercise. And Authority, as I have shewn, may reside and remain in them, who for the present do not, or cannot exercise it: And, I think, he may be sure, and according to Scripture too, that the very Nature of Authority binds to Obedience; and that God's Authority will challenge it, without looking further to actual Exercise, or to any



any Thing else: And accordingly it has claimed a dutiful Regard to Persons in their worst Circumstances, as to *Saul* when on *Mount Gilboa* fled from the *Philistines*, and *David* when he left the Administration to save himself by Flight from *Absalom*, as I observed above, in case of the *Amalakites*, and *Shimei's* Carriage towards them.

Indeed all Authority is given to be Exercised, and will be so, if Men will suffer those that have it to exercise it; and Obedience is due to that Exercise, and to the Exercisers thereof: And Obedience is called for in Scripture, to such Exercise of Authority, and to those that Exercise it, particularly by *St. Paul*, who design'd to make all Christians sensible, not only in general of their Obligation to Authority but particularly to the then present Administration of Authority, and to those who at that time Exercised it; the Obeying of whom the *Judaizers* question'd. So that in Precepts about Authority, 'tis no wonder to find mention, or reference to Exercise of Authority, 'since all Authority is given to be Exercised, and always is so when it will be allowed; and is always to be Obeyed when 'tis Exercised: And the Publishers of these Precepts, had not only a design to teach Obedience to future Authority, but to those that then were, and were actually Exercising it in the World. But many times they bid them only to obey the Authority, without any mention of Exercise; and the Obedience to this Exercise, is because 'tis the Exercise of Authority. So Authority is the Ground and Reason of the Obedience; and then it will claim Obedience, whether a Man has a free Liberty to Exercise it, or is kept from it.

4. From the Reason of the Dueness of Obedience, to such Administration and Exercise. Obedience is not due to it, because it is Exercise of Government, but because it is Exercise of Authority in him that Governs. If he has no Authority, though he may Exercise the Acts of Government, yet he doth not exercise Autho-

rity; for if a Man has not Authority, i.e. cannot Exercise it; if a Man has not Authority, he ought not to Exercise the Acts of Government; but if he has got Possession of external Strength into his Hands, he may Exercise the Acts of Government, though, for want of Authority to do it, withal, he ought not. But in all those Acts, being not possessed of Authority, he must Act, I think, without Authority, and cannot Exercise it before he have got it; and when this Exercise of Government and Authority are thus separated, What Obedience is due to it? The Scriptures plainly bid us be *Subject to Authority*. And all *Conscience of Obedience*, must be in regard to *God's Authority*. And *Allegiance*, as the Author says, is due only to *God's Authority*; and therefore none can be due to him, who has not that Authority; as none is for that Reason, as he observes, to *Thieves and Pyrates*, when they have got Power over any Persons. So that let a Man assume the Place, and Exercise the Acts of Government; yet that claims no Obedience, if he has no Authority to govern: And whenever the Acts of Government are Obeyed, 'tis because of his Authority that doth those Acts; so that the Persons Authority, is the true Ground of all Obedience. And if it be only for the sake of Authority, that any Thing else must be Obeyed, it would be a Riddle indeed, if there should be none due to Authority it self; which would be to make that, which gives all claim to Obedience, to have no claim thereto.

5. From the Obedience due to the Authority of Governours in unauthoritative Acts; the Author, I am sure, will own that a King may retain his Authority, even when he acts Illegally; and that Subjects owe him Obedience, even under such illegal Actings; else there were no *Passive Obedience* due to King's breaking Laws. But now, to what Authority is this Obedience due, to Authority in the Exercise, or in these Acts of Government? No, in these actings

*Rom. 13. 1.*  
due to it? The Scriptures plainly bid us be *Subject to Authority*. And all *Conscience of Obedience*, must be in regard to *God's Authority*. And *Allegiance*, as the Author says, is due only to *God's Authority*; and therefore none can be due to him, who has not that Authority; as none is for that Reason, as he observes, to *Thieves and Pyrates*, when they have got Power over any Persons. So that let a Man assume the Place, and Exercise the Acts of Government; yet that claims no Obedience, if he has no Authority to govern: And whenever the Acts of Government are Obeyed, 'tis because of his Authority that doth those Acts; so that the Persons Authority, is the true Ground of all Obedience. And if it be only for the sake of Authority, that any Thing else must be Obeyed, it would be a Riddle indeed, if there should be none due to Authority it self; which would be to make that, which gives all claim to Obedience, to have no claim thereto.

*p. 15 34.*

actings

actings against Law, he doth not Exercise his Authority, having no Commission to do thus, or to tie up any Man's Conscience; the effect of Authority, to do what he Illegally enjoyns him, but acts without, and against it. To what Authority is it due then? For all Obedience must be due to some Authority; 'Tis due to that Authority in his Person, which he doth not Exercise by such Illegal acting. And this Inherent and Unexercised Authority claims Obedience to him, even at such time; that is, to keep under his Obedience, and not cast it off; and rebel against him.

And the same may be said, in case of all other *Misuse of Authority*; for few Mens Principles of Obedience are so loose, but they will own it to be still due to ill Kings and Governor, who abuse their Authority; and 'tis strange any Man should believe otherwise that believes the Scriptures. But now do not I see, why Authority may not have Obedience due it when it is not used, as well as when it is misused; For what binding Force should there be in misuse? To my mind nothing is ever the better for being misused: and if misuse can add nothing to it, nor lend it any Force whereby to hold the Conscience, I fancy it may bind as strongly to Obedience, when it cannot be used at all.

6. This confining Obedience to actual Exercise and Administration of Government, is to make actual Protection, or Administration the Condition of it. And this will make a Conditionality in the Duty of Relatives, as Protection of Kings, and Obedience of Subjects are. One will be bound to obey, if the other doth protect, and so far, and so long as he doth actually protect; which he always doth most, whose Administration is justest and keeps closest to the Laws, which are the Cover, or Protection they seek and expect, who live under a limited and legal Government. And this way according to their keeping, or degrees in keeping the Condition, there would be one Obedience due to a Protecting, and another,

or sometimes none at all, to an Oppressive King; one Obedience to a King in his good Days, and another in his bad ones; and not one and the same, according to the Scripture Precepts, which neither make nor admit of such Distinctions to all, and at all times; and like would be the Consequence thereof, in the Duties of other Relations. The performance of one being the Condition of performing in the other; when one breaks, the Bond is broke on both, and no Tie left on either. Whereas, though the Persons are Relatives, yet in all these States, the Duties on each side are Absolute; which one is bound in Conscience to perform, whether the other do or no.

The Author says, (p. 42. 43.) *Though Protection and Allegiance are not Relatives, yet Government (meaning actual Government) and Allegiance are such Relatives, as do se mutuo ponere & tollere, or infer or remove each other mutually. And to extend Allegiance beyond actual Administration of Government, is to preserve a Relative without its Correlate.*

The Difference between Protection and actual Government is only this, That actual Government is wider, and takes in either actual protecting, or oppressing; whereas, Protecting, he there makes to be Administring justly, and by Laws, and opposes to Oppressing. Now Allegiance is the act of the Subject, as actual Government and Protection are of the Prince. Allegiance is the Subject's act, only keeping his Duty; as Protection is of the King, keeping to his Duty. But actual Government, taking in both Protecting and Oppressing, is the act of the King, either keeping or breaking his Duty. Now, if Allegiance, which is only the Subject's keeping, must not be related to Protection, which is the King's keeping, but to actual Government, which is either his keeping or breaking his Duty; methinks these Relatives are ill match'd, and look as if they were not akin. And if Allegiance relate to any thing, since it is only the act of the Subject keeping, it should relate

late to *Protection*, which is the act of the King keeping his Duty. And if his other act of Government, or *Oppressing*, must have any Relative, it should be their *Breach of Allegiance*, which is to break with him, as he doth with them. For as Performance answers to Performance, so should Breach to Breach, I imagine, in Likeness and Relation.

But these Acts, on either side, are not Relatives, or Correlates, to one another, though the Persons are. The Acts are the Acts of their several Duties on both sides; and those Duties are absolute, which each must perform, without any regard to the other's Performance: Otherwise there is no Duty from a good Wife to a bad Husband, or from a good Child to a bad Parent; more than from a good Subject to an ill King. And yet, That such Duty there is towards them, is as certain a Rule in Morality and Religion, as that he mentions about *Relata* is in *Logick*. The Relation is between the Persons, not between the Acts and Offices; which are called Relative Duties, though in their Obligation they be absolute, only because they are Duties of Persons, that stand mutually related. And in the Persons, his Rule is true; *Take away one Relative Person, and you break the Relation; and without its Correlate the Relative cannot remain.*

But if the Prince cannot Govern, saith he, (p. 42.) the Subject cannot obey. True, he cannot obey actual Government, when he cannot have it; but he may keep under the Obedience of his Governor, and obey it as he can, as I shewed before, till the Governor's Authority is gone, or his Government comes to be actual again.

By all these Reasons, I think it may sufficiently appear, That the Obedience shewn before to be due to rightful Authority, is not tyed to the Exercise and Administration thereof; nor to follow Administration of Government, without Rightful Authority: But is the Due of the Authority, whether the Person having and claiming it, be in Place and Possession, to exercise his Authority, or no.

7. And for further Confirmation of all this, I shall, to all the foregoing Proofs, from the Nature and Reason of things, and Scriptures, in the Seventh place, add a Proof of the same, which I think will be a good Proof among all English men, in a Case of Allegiance required by Law, and that is, *from our own Laws*.

Now, That Obedience, in the Eye of our Law, is due to *Rightful Authority* in a *dispossessed King*, is plain, because in the Eye of Law Subjects may criminally disobey him. If they ought him no Obedience, they could not disobey him, or deserve to suffer any thing at the hand of Law, for not paying Obedience where by Law they ought none: But what more common in Law than this, towards a dispossessed rightful King? Witness the Censure of Law on the Undutifulness shewn to King Charles I. when arraigned before the *High Court of Justice*, where he stood utterly dispossessed of all *actual Administration*; and on like Disobedience and breach of *Allegiance* against K. Charles II. during his Dispossession; and all the other forementioned Acts, declaring *Treason* the height of Disobedience, in Practices against dispossessed Rightful Kings; as has been observed in Case of *Richard the Second*, of *Henry the Eighth's Heirs*, *Q. Mary*, and others.

The same may be further evidenced, from other Declarations of Law, about the *Duety of Allegiance* to such dispossessed Kings. Whilst King Charles II. was dispossessed, he was faithfully adhered to, and served, by several of his Subjects, who, for this, were punished by the long Parliament, as *Delinquents*: And this Adherence and Service, the Statute 13 & 14 Car. II. c. 25. declares, was according to their Duty and Allegiance. The Rule given about Allegiance, by the Judges, in the Case of *Union*, in Sir Francis Moor's Reports, (p. 798.) is, That if a King is expelled by Force, and another usurp, nevertheless the Allegiance is not taken away, though the Law be taken away. This seems also the plain meaning of Allegiance following the

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*King's Natural Person*, as is † p. 798. declared, both in † the *Case of \* p. 10.11. Union*, and in *\* Calvin's Case*; which would be tyed to the *Politick*, and go with *Possession*, if it inseparably depended on *actual Administration*. All which, to mention no more, is the plain Signification of all the fore-mentioned *Attainders*, passed upon Men, either in *Statutes*, or in *Courts of Justice*, for acting against a dispossessed rightful King. For *Treason* is the highest Breach of *Allegiance*; and if the Law judges Men guilty of *Treason* against such a King, it certainly judges them to owe *Allegiance* to him. And this is still the Sense and Understanding of *Publick Acts*; so many of

\* See the *Act for a Poll towards reducing Ireland*, passed 1 Guil. 1 May, 89. and the *Act for Relief of their Majesties* *pro. Sub. in Irel.* passed 1 Guil. Jan. 27. 89.

*William*. And all this shows, That by our Laws, as well as by the Laws of God and Reason, Obedience or Allegiance is due to the Rightful Authority of a King out of Possession; and so is far from being tyed by our Law, more than it is by the Scripture and the Nature of things, to actual Administration.

But against this, (p. 53.) he objects the Opinion of some great Lawyers, for *Allegiance being due by Law to a King de Facto*. The Lawyers mentioned by him are the Lord Chief Justice *Coke*, who is followed in this point by the Lord Chief Justice *Hale* and the Lord Chief Justice *Bridgeman*; and the Allegations of Law, which my Lord *Coke* builds his Opinion on, are some Sayings in *Baggot's Case*, not the fullest to his Purpose: But what I chiefly observe, is not of the Judges, but only Allegations of the Council, as they who please may see in the Case it self (An. 9.

*Ed. 4. Term. Pas. Fol. 1. 2. 5.*) and the Statute of 11 H. 7. c. 1. which declares *Subjects bound by their Allegiance to serve their Sovereign for the time being, in his Wars, against every Neighbor and Power reared against him; and indemnifies them for the same.*

But how is this a Proof of *Allegiance to a King de Facto*? Doth the Statute say; they are bound to do this to the *King de Facto*? No; it only says, to the *King for the time being*. Do the Words, for the time being then, signifie the same as *De Facto*, in their ordinary and legal Signification? No; they are ordinarily used, both in Law and common Speech, to set off those that have Right; as the *Statutes*, when there is no Dispute of the Right of the King, or of those that act under him, every where mention, the *Lord Chancellor*, *Lord Treasurer*, *Lord High Admiral*, or other great Officers, for the time being. And the Statute 1 Ed. 6. c. 12. (speaking of King Edward and his Heirs and Successors Kings of this Realm, (unquestionably rightful Kings) calls them several times, *Kings for the time being*.

If the Signification of the Phrase will not do it, doth not the thing there said of this *Service to the King for the time being* (viz. that it is against all Laws, Reason, and good Conscience, to lose or forfeit any thing for the same) determine it to the King in Fact? No; but on the contrary, if they are true, they will determine that *King in being*, I conceive, to be the *Rightful King*. For suppose another to have the Right, and it must needs be very unrighteous to hinder him of it; and then he acts unrighteously, that serves the King in Fact, against the King in Right: And what is unrighteous, is against Reason and good Conscience; and 'tis neither against Reason nor good Conscience, That Men should suffer for unreasonable and unrighteous actings. For if Reason and good Conscience would have them suffer for any thing, it must be for these. Yea, and 'tis as much against Laws, as against either Reason or Conscience; there



there having been Laws enough, as I have noted in several Instances, for punishing and attainting Subjects, that acted against their Rightful though dispossessed Sovereigns; and of these Laws, several in King Henry's own Remembrance, some made against him by another, who thought he had the Right, and some made against them by himself, when he came to assert his own Right. And the *Allegiance* this Statute speaks of, is the *Allegiance* as it had stood in *his Remembrance*, as the Preface of it notes, and as the Author himself also (p. 62. 63.) observes from it: In all which time, and before, neither Law, Reason, nor good Conscience, indemnified paying this to wrong, but only to rightful Kings.

But *mutual Attainders of each others Adherents*, he says, (p. 59.) is no Proof *what the Law of the Land is*. What, not if the Law attaints? Must not Laws shew what the Law is? And if, as oft as the Law looks upon a Man to have had only Possession, it attaints those that served him; it is plain, That Law did not look upon mere Possession, without Right, to justify that Service. If Possession in Law would have justified them in serving him, for such Service the Law would not have condemned them. And as for that *Favour of Parliaments towards the Possessor*, which is all, as he says, (*ibid.*) that such *Parliamentary Attainders* shew; that Favour to the Possessor, is favouring his Right, for opposing whereof, the other side may be attainted. But it would not go to attaint innocent Men for following Possession, if it owned *Allegiance* were due to mere Possession: For that were to do a Contradiction.

But whatever had been done in this kind before, Henry VII. he says, (p. 63.) *was now convinced it was ill done*, and provides, by this Statute, *it shall be so no more*. But the Statute doth not speak of this, as of a new Provision, but as of the *Allegiance which the King called to his Remembrance*, and which had all this Guard of Law, Reason, and good Conscience,

afortime. Declaring therein, as the Author remarks upon it, (p. 63.) *what was so before, and not made so now merely by their Declaration*; and so, I think, was not thus to guard those that served against the Right. For as there was Reason and Conscience, so likewise Law enough, if Statutes and judged Cases are Laws, both in time foregoing and time following, to punish them.

I add to this, if this Service, as being a Service of the Wrong against the Right, is thus against Reason and good Conscience, though there had been no Express Law against it, but an Express Law for it, yet would it have vacated that Law; for can any human Law bind against good Conscience; or, authorize and bear Men out in unrighteous Actions? And thus this Statute would do, if still owning another to have the Right; it should authorize the Subjects to serve in War, and assist the Possessor against him, coming to get his Right.

But (p. 65.) *doth not Law limit Right?* And may not a King limit his Right by his own Consent? Yes, and transfer it too if he will. But if the Law has still left him the Right, and he has not Consented in this Law, to part with his Right when dispossessed? Which is the reality of the Case, as (p. 37.) the learned Author, whom he considered on this Point, shewed, and as it is supposed to be in this present Dispute; which is for trying to give away Allegiance, admitting him still to have the legal Right. What then is to be said to a Statute authorizing Subjects to oppose him in seeking of his Right? If the King himself, as he supposes him to do in the Statute, on good Considerations consents to this, *What Iniquity*, (p. 65.) says he, *is there in this Law?* Yes, as it leaves such Dispossessed Prince still to have Right, and bids Men oppose him in it, there is Iniquity therein; as there would be in any Law, that should bid Men steal their Neighbour's Goods, or slay the Innocent. There is Iniquity in all Unrighteousness; and this Law would this way bid Men oppose.

oppose Right, which is to be Unrighteous. So that here, God's Law says, you shall not oppose any Man in seeking of his Right; and this Law would say you shall do it: And when any human Law bids us do that; I think, since God is above Men, it must needs be enough, as is shewed in the *Doctor* and *Students*, to vacate that Law, to say that God forbids it.

But if this Statute is meant only of the right King, What need of Indemnifying? None, whilst the right is in Possession. But that was made to cover them, as far as he could, against a turn of Times; which it would be the more like to do, especially in such Doubted and Controverted Titles; because on all Sides, in this Quarrel of the Two Houses, they had Cause enough to be weary of the way of *Mutual Attainders*.

Thus much I thought fit to say here upon this Statute; which, since this Plea has been started, other Papers have more largely considered. And though the Author, whom he replies to in this Part of his Book, had no need, I think, to suppose the King for the time being in that Statute, to be a mere King in Fact: Yet any one that will peruse, what with great Labour and Skill he has laid together in that Book, will see enough to shew him how far the Law is from carrying Allegiance to a mere King in Fact.

Now these Sayings of Council in *Baggot's Case*, and the Statute of *H. 7.* being my Lord Coke's Grounds for taking Allegiance to be due to a King in Fact: the effect of what he alleges from the *Three Lord Chief Justices*, and *Baggot's Case*, to prove this Point, I think, when duly weighed, will only amount to this. That my Lord Coke, followed therein by *Two eminent Lawyers*, upon the Authority of a Saying of Council, and of some Words in a Statute, about Allegiance, not expressly mentioning a King in Fact, but according to their common use in Law,

signifying one that has Right, and not admitting what the Statute affirms of them to be true, if meant of any other but the Right, were of Opinion that Allegiance is due to a King in Fact. Though, for further abatement of these Authorities, my Lord Coke says enough, I think, particularly in *Calvin's Case*, to declare Allegiance inseparable from the Right, whether Possessed or no. And, I think,

my Lord Chief Justice *Bridge-man*, \* who Sentenced Men for Treason against the Right after he was Dispossessed, and my Lord Chief Justice *Hale*, † who refused to sit on any under the late Usurpation, that were to be tried for their Adherence to the Dispossessed rightful King, were plainly of the same Opinion. And if 'tis due to the Right, when Dispossessed, in their Opinion; it is not, as the Author thinks, due only to actual Governments. And if it is due to the Right out of Possession, since as he says also, page 14. we cannot have Two Kings, or Two Allegiances, there can be none due to the Wrong. So this Opinion of these great Men, seems not to have been their fixed and settled Opinion; for which, a Saying of Council, or such sound of some Words in a Statute, as I have mentioned, seems not to be the best Foundation.

But on the other side, That Allegiance is all the time due by Law to the Right, even when Dispossessed, and broke by those that act against him in Adherence to the King in Fact; yea, by the King in Fact himself, if he were a Subject before, appears from Numerous, both Acts of Parliament, and judged Cases; such as *Calvin's Case*, and the *Case of Union*, which make Allegiance to follow the King's Natural Person; and from the Judgment on the Duke of Northumberland, who gave this Plea of a King in Fact, and for the Purposes it is now urged from the Statute of *H. 7.* for his Acting under Queen Jane against

\* *Vid. Tryal of Regicid.*

† *Bisshop of Salish. Life of Judge Hale. p. 23.*

\* *Bishop of Salish. Hist. Reform. p. 2. p. 242. and Sir Rich. Baker in the Reign of Q. Mary. † Stat. 1. Mar. Sess. 2. c. 16.*

against Queen Mary; but was \* told by the Court, That the Seal of an *Usurping Queen* was no good Warrant; and the Judgment was afterwards confirmed by † *All of Parliament*. From the Judgment on the *Regicides*, for what they acted against King Charles 1. in his State of Dispossession, and the need of an *Act of Oblivion*, for what was done against his Son whilst kept out of the Administration: From the Statute of 13. 14 Car. 2. before mentioned, declaring *Allegiance* all that *while due to him*; as another declared it due to Queen Mary, and the *Regal Authority* to be vested in her Person, during the time of Queen *Jane's* Usurpation. And as other Statutes declared it to be due to Henry the Eighth's right Heirs, whilst others Usurped upon them. And another Statute did to Richard the Second, during Henry the Fourth's Usurping his Throne. And as is declared in all the *Statutes of Arctandor*, upon the Kings in Fact and their Adherents, when the Kings in Right recovered their Thrones, as has been observed in the ( Chap. 2. ) foregoing Discourse. And as is declared, lastly, in the *legal Oath of Allegiance, which Recognizeth the King's Right, and Swears to bear and pay Allegiance* to the Right, whilst he has Right to defend and pay it to.

And suppose the Statute of H. 7. had authorized Men to pay it to the Wrong; and these Statutes of King James the First, about the *Oath of Allegiance*, make them swear to pay it to the Right, Which would be the Law in this Case? If Two Statutes clash, and interfere, like as if Two Wills do, the later will be sure to be Stronger; and the other of Henry the Seventh was only a Law; but this later of King James, is both the Bond of a Law, and such as makes a Man bind himself further, and both promise and swear too. So that, instead of doing what that Law says he shall do; having as good a Saying of Law

here, nay, a better, because a later. He will rather think himself bound to do, not only what this Law says he shall, but also what he has both promised and most solemnly sworn he will do.

And whether all these Laws, and judged Cases, are not enough to carry the Point of Law, in this Question of Allegiance to rightful Princes, against the Opinion of the forefaid Lawyers, standing on such Foundations, I leave any rational Man to judge.

He takes notice of the Judgment on the D. of Northumberland, for acting under a Queen de Facto, viz. Q. James which the Statute of H. 7. would have justified, had that been meant of a King in Fact: and argues, ( p. 64. ) it could not declare the Statute of H. 7. null and void, as the Author of the Case of Allegiance to a King in Possession, against whom he there disputes, thought in effect it did. Which, if this Judgment doth not of it self, yet the contrary Obligations laid since by other Statutes, which that Author adds, as he observes likewise, will seem to do it. For if the Act of H. 8. about Succession, and the Oath of Allegiance, make the contrary to the Statute of H. 7. or Serving of the Rightful King, to take effect; that will not differ much from declaring his Statute null in effect, because it will leave it no effect. But though this Judgment should not be enough in Law to repeal that Statute; yet, I fancy, in a Question of the Sense thereof, especially in Words so liable to be expounded to that sense, which the Court declared in his Case, it must needs be allowed to be an *Authentic Interpretation* of it. For, I think, in expounding a Law, he will allow a Court of Justice, and especially the High Court of Parliament, to have more Authority than those Lawyers, though of so deservedly great name, whom he mentions.

And now, laying all these Authorities of Law before us, if we must presume what the Law is in this point, I think we have much more Reason to presume that

that is Law, which we hear from so many Statutes and judged Cases; than what we hear on the contrary from some particular Judges and great Lawyers. So, as far as I see, the Law, in this point, should be presumed to lye on the rightful King's side.

But *Treason*, he observes, (p. 58.) *lies by Law against the King that without Right is in Possession*; and then *Allegiance must be due to him*. This may be true in such a King as Henry VI. of whom alone Baggot's Council affirm it, who, for near Forty Years, was King without any opposite Claim; and then was so still, by express Consent of concern'd Parties, who had Authority to give to him, Rot. Parl. and agreed, *That as he had been 39 H. 6. hitherto, so he should still be King for his Life*. But as to other mere Regnant Kings, against a right King that makes his Claim, I do not understand how in Law it can be *Treason* to act for the right King against them; when so many Laws and Statutes of Attaindor, and judged Cases have made it *Treason* to act for them. For *Treason*, as well as *Allegiance*, the Author will own, can lye but one way, since we can have but one King. And as for the Statute of *Treason*, it speaks of that King, whose Succession the Law is careful to secure, making it *Treason*, as the Author of the aforesaid Case observed, (p. 8.) *to kill the King's eldest Son, to violate the Queen, the Prince's Wife, or the King's eldest Daughter*. All which shew a care of the Lineal Successor, and so must be meant of the Lawful King, since the Law cannot be careful to secure the Succession to any other. It is pretended no otherwise to favour the Successor, than on account of Possession, for the necessity of actual Government under him, which is only for his own time. And as for Law looking on the Crown, as Hereditary still in his Children, as he fancies, (p. 56.) sure that is not the Hereditaryness of Blood, or next akin, which is the Hereditaryness of our Crown. And the Law cannot look

upon the Crown, as what ought to go by Hereditaryness of Blood, or lineal Succession, if it makes it due to another's Children, who perhaps are not at all of the Blood, or however, not the next in Blood, as the *Three Henrys* he mentions were not; whose Reigns were a real Interruption of the due Hereditaryness of Succession, and who were none of them the true hereditary King.

I grant, *Treason* may be committed under them: As to conspire against the present Possessor to set up another Usurper, or to give away the Crown to a Foreigner, or other things, which the Law makes *Treason*. But that which makes these things *Treason* then, is not, as I conceive, being committed against them, (nay, *Treasonable Acts* may be *Treason*, as has been shewn, when committed, not only for them, but by them;) but being committed against the Authority of the rightful King. For his Authority is still in his Realm, though his Person be driven out; and the Faith of the Subjects is still due to him, and may be broken, as it is most highly in all *Treason*, which is the ground of all Attainders, and makes the necessity of Oblivions and Acts of Grace, as I formerly observed. So all the time he is away, the Subjects being bound in their former Faith and Allegiance to him, they may break that Faith and Allegiance in the several ways of *Treason*; only he is not here to try and punish them. And the Possessor, having got all his external Power, must do that, if it is done at all; for 'tis external Power that punishes: But as he punishes by another's external Power, so for what was acted against another's Authority, not against his own. And I see no authoritative way of doing it; without a way can be found, which some have attempted, and there discuss not, to derive Authority from the rightful King.

But the only Reason why any Things are made *Treason by Law*, says he, (p. 58.) is their being against the Order of Government, and Distructive to it. Which the same Things equally are under any King, whether



whether in Fact, or in Right: But whatever be the End why they are made so, yet Being a Breach of the Faith of the King, must come in to make them so: For the Nature of all Treason is to be a Breach of Faith and Allegiance; and accordingly the Form of Indictment is, that such a Thing was done, *Contra Debitum Fidei Et Ligeantiae suae*, against the Advers due Faith and Allegiance. And this Faith and Allegiance is the Due of a Person; not due to the Country, or to the Order of Government, but to the King. And accordingly in Cobledike's Case, the Judges rejected a Plea, as my Lord Coke notes (p. 9.) in Calvin's Case, for saying only the Ligeance of England, but admitted it when they added, and the Faith of the King. And therefore the King himself is not capable to commit Treason, because it is only a Breach of that Faith which is due to his own Person; so that the Treason lies where the Faith and Allegiance doth, that is, against the rightful King's Person.

As to what he says, (p. 52. 53.) about Cognizance which is the right King, not being before a private Subject; I grant it would not, if once a Court competent had judged of it. But where is that Court, that is of Authority competent, to sentence and give away a lawful King's Right? It seems plain in the Eye of the Law, That among us, a Parliament called by a Possessor without Right, cannot do it; because, after they have done what they can, the Law says he has Right, and will punish the private Subject, as has been shewed, notwithstanding the Warranty of their Judgment for acting against his Right. So there is no way that I see, but for every Subject to take the best Advice and Care he can, to know which is the Right, that he may not act against him; for though he would have no Cognizance, were it a Thing that lay before authorized Courts, or that the Competitors had brought into Court, and there decided, as H. 6. and the Duke of York did in Parliament; and though, where there is no Court competent to judge, he has no

Cognizance to judge for others, yet he has to judge the best he can, and at his own Peril, for himself as every Man must do, I think, in this Case. Allegiance he must pay to him, that has Right, as I have proved, and so must satisfy himself, who has it, to answer the Law of God, And as for the Law of the Land, to seek Protection from the Judgment of Courts, which are not legal Courts, but only Courts de Facto; or from legal Courts, if they meddle with that which is not under their Cognizance, will suit those, that trust to shelter themselves thereby, as my Lord Chief Justice Bridgman told (a) Cooke, when he pleaded that the High Court of Justice was a Court de Facto, in defence of his Acting under it.

But as to all this Dispute about Law, for Allegiance to the King in Fact against the King in Right, (p. 34. 65.) he observes, That the Non-swearers would not abide by the Decision of the Law: Which may be true as to this particular of following a mere King in Fact against the legal Rights, because the Laws of God, as well as of the Land, are their hindrances in this Case. But then, says he, *Why do they insist upon Law?* They insist on it, because they think it one good Argument, and so they have reason to think it still, for any Thing that I have yet seen offered from Law to the contrary. But they do not abide by it, or give up the Cause to stand or fall with it, because it is not the only good Argument; and other Hindrances from God's Laws they think are no less than that. And this learned Person knows very well, That any one Conscienceable Hindrance is enough to keep a Man from doing a Thing; and the Lawfulness in some respect, whilst 'tis Unlawful in others, is not enough to warrant him in doing it. *Bonum* (says the Rule) *ovitur ex integra Causa; malum ex quolibet Defectu*. Though, I think, as to this painful Search, that has been made into

(a) Trial of the Regicides, p. 124. Court of Justice was a 145, 146. and the Speech to the Jury, p. 15.

the Point of Law, for *Allegiance to a King de Facto*, the Non-swearers did not begin it, but were driven to it: The Pleaders for the New Oath, pretending the Law in this Case to be for a *King in Fact*; which, upon Examination, they find to be a Mistake, and think the Plea from Law is on the other side.

And thus upon all Accounts, both of Scripture, and the Nature of Things, and of our own Laws, I think, it may seem sufficiently manifest, that as he that has the Right, has the Authority; so he that has the Authority, by the Laws both of God and Man, must have the Allegiance, though he cannot actually Govern, but is Forceably kept out of his Throne.

And if the Dispossessed rightful King still keeps the Authority, and the Obedience of the Fifth Commandment is still due to him, because of that Authority; the leaving any ejected Prince to have the Right, and the Regnant or Providential King to be only King in Fact without Right, would leave all, that take a New Oath for transferring Allegiance, under as evident a Breach of that Commandment, as of the rest. So, upon the whole, I conclude this Plea of *mere Possession without Right*, leaves all the Non-swearers Difficulties against the Oaths untouched. For, suppose any Man, to be still ones

rightful King; and then what will hinder, but to bind our selves by a contrary Allegiance to oppose his Right, must be Unrighteous towards him; or to bind our selves thereby to act against his Authority, must be Undutifulness and Rebellion; and binding our selves to all this, against what we had promised, and assured by former Oaths, must be to forswear our selves. So that, when at the last Day, all that take such Oaths, come to be tried by these Laws, how they have kept just to the Rights, and Obedient to the Authority, and True to the Oaths they had made to a Dispossessed King: If they have no Exception to his Right, nor any Ground but this of *de Facto* to plead; to me it seems there is great Danger, lest all those Laws should condemn them. And however they they think this Plea, of *Possession without Right*, may bear them out before God, in paying this Allegiance, I think, 'tis visible no Possessed King trusts thereto in demanding it, either before God, or before the World; for we never yet had a Regnant King, that set up upon that Title. And in the present Revolution, 'tis well known to all, what Declarations the *publick Acts* have made of King William's and Queen Mary's *legal Right and Title* to their Father's Throne.

## CH A P. - V.

*Of the Author's Right by providential Possession; without other Title. It destroys the Obligations by Right and Wrong.*

I Come now in the Third place, to that which is more particularly the Plea of this learned Man, which is the *Plea of Providence*, to give or grant Right: And this, though it be not a legal Right, but

leaves that still to go as Law directs it; yet, he says, is a better Right than that, and such, as in the sight both of God and Men, ought to set the legal Right aside. And this he makes to be the Right of

of every *Regnant King*, or Possessor, of a Throne: Providence that gives Success, and speeds him in compassing it, he thinks is God's Grant, and gives him a

Right to the Crown he has  
p. 12, 13, got into his Possession. And  
15, 16, 23, *whoever is set up thus by God's*  
24 25, 27, *Providence*, as every King is,  
28, 34, that is set up at all, is God's

*King*, in his Notion, or a *King of God's making*: And so, let who will have the legal Right, must be owned by all Subjects, that would receive him for their King, whom God has made their King, or be under one that he has authorized to rule over them: And this in short, I think, is the Substance of his Notion.

Now as for this Plea, though it doth not carry Allegiance by *legal Right*, yet it is for carrying it by *Right*; viz. by the *Right of Providence*, which he thinks is a better Right, and ought to take place of Right by Laws, in as much as God's Prerogative carried in Providence is above human Laws. But this way the Possessor has the best Right; and that I own would go far in taking off all the foresaid Difficulties, which are all on supposition of the other's Right. So this way to ingage in *Oaths of Allegiance* to stand by the Possessor, in keeping, or getting that Estate and Property he has the best Right to, would only be to do him Right, which is not to be Unrighteous; or to pay him Allegiance, who has the most rightful Authority over us, would only be to obey Authority, which is no Undutifulness. And as to point of former Oaths, it would put an end to their Obligation, as to all time coming; for we cannot bind our selves by any Oaths not to obey God, or not to obey those, to whom he gives the best and most rightful Authority over us. But some Doubt may be made whether it would not leave the *Oath of Allegiance* to have been a false Oath, and Forswearing of our selves at the time of taking; as Swearing to do what we were not to do, nor ought to perform: For

that Oath recognizes, and proceeds upon the *legal Right*, and seems designed to bind Men to it against all Providential turns, promising to *defend it against all Attempts*, which such turns make as long as they are continued; and that without any other limitation, as may seem, than whilst there shall be such *legal Right to defend*.

But as for this Plea of the *Right of Providence*, or *Success in seeking another's Crown giving the best Right to it*; I think it is not only a great Mistake, but of such ill Consequence, as would neither do the Cause of Authority and Allegiance, nor any thing else any good. I know the Consequences which I think chargeable upon this Principle, the Piety of this Author will abhor as much as I do: But admit the Principle, and neither his Wit, and Reason, whereto the serious World stands so highly obliged, nor any human Understanding, I conceive, can keep them off and guard against them; and this Principle I come next to examine. And if upon Examination it shall appear, that this fancy'd Providential Right is no Right; or that it doth not set aside the legal Right: Then 'tis plain, that all the first mentioned Difficulties against the new Oaths for transferring Allegiance on such Revolutions, are still in full Force on the supposition he lays down, viz. that the Dispossessed King's legal Right still remains. And there will be no way left, either to justify those that have, or to satisfy those that have not Sworn; but proving the *legal Right* of those they are required to swear Allegiance to, upon which the publick Acts make the King and Queen, and demand the Allegiance to them. So that the Question, *Who has the legal Right*, must both come into this Dispute, and determine it, which sets aside the whole intent of this reverend Person's Book.

One way there is of *Providence giving Right*; viz. by giving a rightful Title to a Thing, either before or after a Man has got it. Whoever comes by such Titles,

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comes

comes to have them by God's Providence, which orders them to fall on particular Persons, as it doth all other Things. But the present Dispute is about Providence giving Right, by mere Providential Possession, without means of any rightful Titles: Or, whether Providence in giving one Man Possession of another Man's Right, (as one Prince suppose of another's Crown) gives the Possessor a Right to it.

Now mere Providence giving Possession, or Success in compassing of a Crown, doth not at all affect the Point of Right, I conceive, on one side or other; it doth not make Right, but suppose it otherwise; and is not determined to the keeping, but as open to the breaking of it. If it be a Success in Possessing what is a Man's own Right, it is a Righteous Success; and that not as giving Right, but as getting what was so before. If in getting Possession of another Man's Right, it is an Unrighteous Success, as getting a Thing when a Man has no Right to it: In short, mere Providence giving Possession or Success, shews not the Right, but the Fact; it doth not make Right, but suppose it; and its Business is only to accomplish Events, not to justify or authorize them, or the Actors in them.

To clear this Point of mere Success of Providence in giving Possession, without other Title, not giving any Man Right to another's Crown, or to any other Thing, which another has a legal or human Right to. I shall first show that it gives no such Right. And then answer those Scriptures, and other Reasons, which he has brought to shew it doth give Right.

1. First, I shall show it gives no Right, nor alters any precedens Rights, either by Divine or human Titles. And moreover, what its Part really is, and what Providence doth about Events, particularly about Unrighteous Successes.

1. First, I say, mere Success of Providence, in giving Possession without other

Title, gives no Right, either to a Throne, or other Thing. It doth not give a Right to one, that has otherwise no rightful Title; nor take it away from another that has; but leaves the Point of Right to rest with the Titles to it, and lye at their Doors where it found it.

The Author thinks it doth give Right, because this Possession being by Providence, to be Possessed p. 12, 14. of a Throne, *is to be set up and placed there by God.* As to be Dispossessed, or Thrust from a Throne, *is to be removed by God.* And all who are so Placed in a Throne by God, are rightful Kings; yea, Equally rightful with Respect to God, viz. as equally having his Grant, though one may have a legal Title, and another may want it.

But now, That such Right is not either got, or set aside, by such mere Providential Possession, without other Title, may appear, I think, on several accounts, viz. from Consideration both of the Nature of Right and Wrong, of Providence, of our own Laws, and other Authorities.

1. I shall begin, First, with the Considerations of Right and Wrong. And from them I think it will appear on these accounts following.

1. First, This would destroy all Obligation by Right and Wrong among Kings.

The Obligations of Right are, First, in getting, to tie men up from taking what is another's Right, and is the Justice of not violently seizing. Or, Secondly, in holding, to tie men up from keeping what is another's, and is the Justice of not violently detaining, but making Restitution.

Now both these Obligations, this Principle of mere Providential Possession, without other Title, giving Right, destroys.

1. First, as to the Obligation of not holding or Detaining another's Right, but making Restitution: When one has taken another's Crown, it undeniably sets that aside. For, if a Man may with a good Con-



Conscience keep it, what Obligation has he to restore it? And if, in the sight of God, he has now the best Right to it, why may he not conscientiously keep it? For God will not be angry with any Man, for holding his Right, or keeping what is his own; or for not restoring to the loser what now is no longer his, which then would be altered in Nature, and be Gift, not Restitution. And whatever Men may think of his Right to what, in their Reckoning, was so unrighteously got; yet this Right he has, and as good as the best Right, as the Author tells us, (p. 14. Prop. 4.) *all Possessors of Thrones being equally Rightful with respect to God.* So that he may hold it very righteously, and with a clear Conscience, as any other Persons may their most rightful Properties.

But now, this is,

*1. Against Restitution of other Mens Rights, and the Obligation of Kings thereto, in common with all other Christians.*

*Thou shalt not steal,* is God's Command about other mens Rights and Properties: And the inseparable Consequent thereof is, That when any one has violently taken them, he shall restore them. The Justice thereby required is to give every Man his own; and where it was unrighteously taken away before, to give it, is the same as to give it back, or righteously to restore it. So; when a thing is taken by Wrong, if Right doth not bind to give it to the right Owner again, it doth not bind to give every Man his own; that is, it binds to nothing.

Now this Restitution is, of what a Man has got by *Providential Possession*. The other must have lost Possession before he needs to have it restored to him: And he must have possessed himself of it, before he can restore it. And therefore if Right binds the unjust Taker to Restitution, it must bind against Providential Possession; and the mere Possessor, without other Title, gets no Right by taking, if he is

bound to restore to the rightful Owner what he has taken from him.

Again, these Precedent Rights, which the Commandment calls for this Restitution of, by those that have taken them, and are the Providential Possessors, are *human and legal Rights and Properties*. For God made no Civil Properties, either to Thrones or private Estates, any where but among the *Jews*: All the World besides, hold these Properties by human and legal Rights. And these Rights the Command of *not Stealing*, or of *giving and restoring* Right, enjoins the Providential Possessors, whether Kings or others, to restore to the right Owners: For it is a Command, not only for the *Jews*, but for all Persons and Places; and so for guarding and restoring the Rights of all Places, *i. e. Human Rights*, against all that take them away, that is, *Providential Possessors*. So, mere Success in taking another Man's human Right, or Providential Possession, without other Title, gives the Possessor no Right to it, and least of all, a better Right to it than the dispossessed Owner, in the account of the Commandment; since the Command says, it is still the others Right; and bids him, that has got it unrighteously into his Possession, to restore it.

And this Restitution of others human Rights, which a Man, by mere Providential Success, without other Title, has got into his own Possession, is a Law to Kings, in common with all other Christians. For Kings, though they are our Governours, are God's Subjects and Servants, and bound equally as we are to his Laws. If they are saved, it must not be as Kings, but as Christians; and that is, by keeping the Commandments, as they promised in their Baptism, and this, of *not Stealing*, but restoring what should be unjustly taken, among others; and this, in any Rights or Properties, they take from one another. The Command is, *to do thus to thy Neighbour*; and one King is certainly Neighbour to another: And the Greatness of the thing they have taken, when they unrighteously invade a Crown or Kingdom, will never be

be thought to lessen the Obligation to Retribution. For no Man will say, they are bound to be just in a little thing, but not in a great one; and that if a Man steals twenty Shillings, he is bound to restore it, but not if he steals a thousand Pounds.

2. 'Tis against the Scripture Declarations about Kings, who had so unjustly possessed themselves of others Kingdoms. Who so guilty of this as the Assyrian and Babylonian Kings. (Jer. 25.) who were the great Robbers of Crowned Heads, and Spoilers of Nations, recorded in Scripture. This they succeeded in to admiration, as the Scourge of God; and got them into their Possession, which is the Right of Providence: But what thought the Spirit of God of these Possessors of other Kings

Crown, and Subject Lands and Properties? It calls  
(a) Is. 14. 4. 5. 6. 20. them (a) the Wicked, the  
(b) C. 21. 2. evil Doers, the Oppressors,  
(c) Nah. 2. 11. the (b) Spoilers, the (c) Lyons.  
12. All their unjust Gettings,  
(d) Hab. 2. 5. 9. and Devouring of Nations,  
(e) V. 12. 8. it calls an (d) evil Covetous-  
(f) Nab. 2. 12. ness, and (e) establishing  
their City by Iniquity and  
Violence, and (f) filling their Holes with  
Prey and Ravine. And for all these their  
Oppressions, Hab. 2. 8. for Mens Blood,  
and for Violence and Direption of the Land,  
or of Lands and Countreies, as  
\* ad loc. \* Groenw; and for the Iniquity  
of their Fathers, Isa. 14. & Jer.

31. it denounces to the Babylonians the most extreme Plagues; yea, the Judgment of a just Retaliation, That they should be punished, Jer. 25. 12. 14. &c. c. 51. 56. by recompensing and requiting them in their own way, and according to their own Dreds; God making other Nations to serve themselves of them, as they before had served themselves of others. Now if Success and Possession was God's Grant, and gave them the best Right to them, why is building up their Empire thereby, and having and holding such an heap of Nations and new Possessions, termed evil and

insatiable Covetousness, Iniquity, Violence, and Ravine? And why all this Vengeance for the same? Sure, not for holding what God by a just Right had this way made their own.

This heaping up of ill got Nations, and unjust Possessions, is charged also as increasing what is not Habak. 2. 6. and great and sudden 5, 6. Woes Denounced thereto.

And what sort of Right then is it, That such Possession gives when the thing Possessed is none of his, and heavy Woes light upon him for taking, and not restoring it to the right Owners?

3. It would leave no such thing as an Usurper in the World, contrary to the common Sense of Mankind: For an Usurper is one that Intrudes upon another's Right; but there is an end of Usurpation, when a Man only holds his own and the Possessor has the best Right. And thus it would be, if Providential Possession gave such Right, as is pretended.

And the Effect of this would be, That no Dispossessed Prince could ever righteously endeavour to recover his Throne; or any other Princes, who thought him wrong'd, righteously assist him therein. For it would be very unrighteous in him, as in any other Person, to covet or take away the Possessor's Right; that is, not to let every one have his own, or to give him what in Right belongs to him; as the Throne this way would to the Possessor, more than to any other Man.

To this the Author says, p. 26. That Providence leaves the dispossessed Prince his Legal Right; that is, for all this Providential Change of Persons, the Law, which makes the Legal Title, is still the same it was. But has it the same effect it had, to make the Crown his? No; Providence, he says, is a better Right, and makes the Crown another's. Now, if where another has got the better Right of Providence, this Legal Right cannot make the Crown his; with what Justice can he, or any of his Friends, though least obliged to the Pos-

Possessor, seek by Force to get it? Can he justly take that by Force, which is none of his own? And would it be just to force away another's rightful Crown from him? So this legal Right cannot justify him in any Attempt to dispossess the Possessor, who holds it by a better Right, than he can pretend to it. The Reason is, because it has only the Name of Right, without any Thing of the real Purpose, and Effect thereof; for the use and intent of Right is to make a Thing his. Whereas, by a better Title, the Crown this way is another's; and it can be the Property but of one of them, not of both. And since it is all the intent of Right to make Property, that only is the real Right that gives the Property; and both cannot have a real and effective Right to it at once, because they cannot both be Proprietors: So the best Right alone stands for the Right; and whilst it lasts sets the Weaker Right aside; and therefore the Dispossessed Prince having only the *Legal*, which is the worse Right, in respect to the Possessor, whose Title is better, has no Right. And then his seeking to recover, and take possession of that Throne, whereto at present he has no good Right; and from him that has, must unavoidably, on this Principle, be very Unrighteous.

But now, it is not Unrighteous for those Dispossessed Princes, that have legal Rights to their Crowns, to seek to recover them, if they can, out of the Hands of the unjust Possessors; as *David* did when Dispossessed, and Driven out of the Land by *Abshalom*; and *K. Charles II.* when kept out by Usurpations of that Time; and as was done of late by the Duke of *Lorrain*; and is wont to be done in all Times, as such Dispossessed Princes can find any Assistance, or Opportunity to Repossess themselves: And the common Sense and Justice of Mankind acquits them of all Unrighteousness in so doing. And this the Author himself owns, both in the place last Cited, and in other places.

Now this, I think, is a clear Proof,

that Possession, or a right of Providence, doth not set aside a legal Right; since, on the contrary, a legal Right stands Good, and is to set it aside. The legal Owner may make any attempts to Dispossess, and turn out the Possessor, and it is all Right, and has nothing Unrighteous in it. And what a kind of Right must that of the Possessor be then, which may be broken and invaded without any Unrighteousness, and which he may very Righteously be Hindered and Dispossessed of? This right of Providence, which doth not render the Dispossessed Invader Unrighteous, is much the same for Right as the former rightless Authority, which can challenge no Obedience, is for Authority; that is, some Men may call them so when they please, but in reality they are not so at all.

Particularly one Scripture Instance, justified by the Convocation in Bishop Ouerall's Book, by † *Grotius*, & others, and by this Reverend Person himself, amounts fully to a judged Case, I think, in this Business;

and that is the Case of *Joash*. Here was plainly a Contest which should have the Subjects Allegiance, *legal Right*, or *illegal Possession*, which is set up by him as the Right of Providence. *Ataliab* was set up by Providence, and possessed of the Throne, and had been so for above six years, 2 King. 11. 4. Young *Joash*, who had been kept from *Ataliab's* Cruelty by the Care of his Aunt, had no Possession, but had the Legal Right, being the *legal Heir of the House of David*. Now, when this young Heir was made known to them, which were the *Jews* to own, and to whom were they to pay their Allegiance; to him, that had the legal Right, or to her, who had the Possession? To him that had the Legal Right they pay it: *Zeboiadab the Chief Priest*, and the other *Jews*, without any Regard or Conscionable hindrance from her present Possession, agreeing together by *Covenant and Oath* to set

Chap. 23. &  
Can. 23.

† De jur. B.  
& P. l. i. c. 4.  
Art. 18.

up and to serve their Rightful King. And accordingly they did so, and thrust her out of the Possession of his Throne; and are all confessed to have done well therein.

To take off this, he says, (p. 34. 35.) *all this Story amounts to, is only returning to their Allegiance, after the Legal Heir was possessed of his Throne; Joash being first Anointed and Proclaimed, before any stirred against Athaliah.* But I think *entering in to Plots, and binding themselves by Oaths and Covenants to pull her down, and set up another, and coming all armed to set up and defend the new King*; were Breaches of Allegiance to the height, if their Allegiance was due to her, as *having the actual Administration of the Government, and being in Possession of the Crown.* And all this was before they *Anointed and Proclaimed the young King.* (2 King. 11. 4. &c. to verse 12.) And when this Proclamation came, is Proclamation in one corner of a City thorough Settlement, so as immediately to settle one, and dispossess the other, though in quiet Possession, for any thing that appears of all the rest of the Kingdom? And yet this thorough Settlement in the Exercise of Government, which this young Prince had not time to exercise, much less to be settled in, is to carry Allegiance on any Change, according to his Notion. And after all, if the Right must have the Allegiance after Proclamation, it will not serve in the present Dispute; which is about the Due-ness of Allegiance to one supposed to have legal Right, who had long been Proclaimed and Possessed King.

He adds, (p. 35.) *That in this Case God had insisted the Crown. And where the Right comes upon a Person by a Divine Intail, when the Person is known, Subjects are never to submit to any Usurper's Government, but to persecute them to the utmost.*

But what need of having Recourse, to the Divinity of the Intail, in this Case? The Purpose of it is only to make *Joash's* Right, to be a better Claim, and to stand Good against *Athaliah's* Unrighteous Pos-

session; and this is the common Effect of all Right, whether *Divine* or *Human*. For all Rights, whether *Human* or *Divine*, equally oblige the Unrighteous Providential Possessor to restitution, as I observed; that being to give the same Guard to Rights out of *Jury*, as to Rights in it. And if *human* Right equally oblige to Restitution, it will stand good against the *Unjust Providential Possessor*, as much as *divine* Right would; for that could only oblige him to restore it. And all Right, obliging the violent Taker thus to Restitution, makes that *no Man can ever Ground a Right on doing Wrong.*

The Validity and Goodness of *Joash's* Right to the Throne then, which *Athaliah* held in her Unjust Possession, was as it was a Right, not as it was *Divine*. And had the Intail been human, his Right would have been as Good against her usurped Possession. And having the best and only Right, to the regal Authority, he only had the Authority; and then to him alone was the Allegiance Due. Authority still being his, who has the best Right to it, and obliging Subjects to Obedience, whether a Man is possessed or no of External Strength to exercise it; yea, and to as full and firm an Allegiance, when it is held by an Human Title, as when by a Divine Title, as I have shewed before, *ch. 3. pag. 23.*

And as for what he ascribes to the *Divine Intail*, viz. *when the Person is known to make it unlawful to submit to any Usurper against him*: Was not this Divine Intail as Strong, for *Jehojakim* and *Zedekiah*, as it was for *Joash*, they being all equally of *David's* Line? And yet it did not make it unlawful for the *Jews* to submit to the usurping Kings of *Egypt* and *Babylon*, whilst they knew of these Persons. (2 King. c. 23. & c. 24.) Nay, God himself approved of that Submission and Subjection, and threatens *Zedekiah*, (*Ezek. 17.*) for his Perfidiousness and rebellious Breach of the same. So the hindrance of Submission to usurping *Athaliah*, lay not in the Divineness of the Intail, which



which might as well have brooked Submission unto her as unto them, and which differed not in this from other Intails, viz. in giving such Rights as would last, and have its effect, after another was wrongfully possess'd of it; but such as the right Owner himself might part with, and give up by his Consent: But it lay in the Crown's being intail'd at all, to give a certain Person Right; and in his standing upon that Right, and claiming it. What made the Difference in point of Submission, in these Cases, was, because there was no Competition in their Case; Jebojakim and Zedekiah coming themselves into those Submissions, under the Egyptian and Babylonian Usurpers. But in her Case, there was Joash claiming his rightful Throne, which the was unrighteously possess'd of: And when he made the Claim, and stood in Competition, his just Rights was to carry it against her unjust Possession; as it will do in the Case of any other Person, no Right yielding to wrongful Possession, but obliging the Possessor to restore it back again. And when his Right was good, to carry the Regal Authority, and make it his own; it was of course to carry the Allegiance, which was the Due thereof, and that without any Hindrance from her Possession, as has been formerly proved. ( Chap. 4. )

Thus, on all these Accounts, doth this Principle of Providential Possession, without other Title, setting aside Legal Right, destroy all that Obligation of Right which lies in not holding or detaining, or in making Restitution of what is unjustly got, among Kings.

2. Secondly, as to the Obligation of Right in getting, viz. its tying Kings up from violently taking each others Crowns, which is the Justice of not seizing a Neighbour's Rights, in my Opinion it will let that aside too.

The Reverend Author, I know, is by no means for allowing of the unrighteous Invasions, either of ambitious Princes, or rebellious Subjects, on any rightful Princes

Crowns; which the Convocation, as he observes (p. 4. 5.) from Bishop Overal's Book, has taken so great care to condemn. Nor should the Principle allow and justify it, if he could hinder it. But Principles of True and False, Right and Wrong, must rule us, not we rule them. And if this Principle of his Rights of Providence, or of God's granting a Right to what Providence, without any other Title, in Fact accomplishes, and God declares he gives, be true; I think it will give them a Right to make the Attempts, as well as to hold what they can take thereby. And if they can shew the same Right for one, as for the other, if this be a true Principle of Right, it will serve either, and make them equally Righteous in both.

If Possession without other Title is the Right of Providence; the means of Possession, without other rightful Title, is Power: And this Power is express'd, in all the intermediate Attempts and Successes, to possess themselves. So, as Possession is the Right; these Attempts that give Possession, give Right. And it would be somewhat strange for that which directly and immediately creates and gives Right, to be it self unrighteous.

But the main Reason I shall here urge, is, These Attempts have the same Right of Providence, which Possession it self has.

The Grounds of the Possessor's Right are, because Providence, which is God's Act, helps him to it: And because God declares in Scripture, That he has given the Possessor what he has thereby got. Which real Act of God in Providence, and Declaration of Grant thereby, he thinks is a good Grant of God, whose Grant is the best Right, and must set any human Right aside.

Now both these are as much for the intermediate Attempts, either of Rebellious Subjects, or Ambitious Monarchs, to possess themselves of others Crowns, as for holding them when they are possess'd of them.

They have plainly the same Providence, which, as the Author says, (p. 12.) Has a hand in all Events, and doth order and dispose them.

Every

Every intermediate Step they take, and advance they make, in pulling down or setting up Kings, is by and under Providence, or as truly Providential as the last is.

They have as plainly also, *The same Scripture Declarations of God's sending, or charging, or giving Things*, into the hands of the Ambitious, or Rebellious Attempters.

Thus 'tis plainly said of as unjust Attempts, as ever were of *Ambitious Princes*; particularly of the *Assyrian*, when he was going, like a *Ravenous Lyon*, to devour and prey upon all the Neighbouring Crowns, and Kingdoms. In those unjust Attempts, and Expeditions, (*Is. 10. 6.*) *I will send him, I will give him a charge to take the spoil, and tread the Nations down*, saith God; calling him in these Executions, (*ver. 5. 15.*) *the Rod, and Staff, wherewith he smites; and the Ax and Saw wherewith he hews and Tears the People of his Wrath*. And after of *Cyrus*, the King of the *Medes*, when he set out, on a like Attempt, to devour

*Babylon*. The Lord hath raised  
Jer. 51. 11. up the Spirit of the King of the  
Medes, says the Prophet, of  
Is. 10. 26. the expedition of *Cyrus* against

Jer. 51. 20, *Babylon*. Thou art my Battle-  
21, 22, 23. ax, and Weapons of War, saith

God of him, *wish thee will I break in pieces the Nations, and destroy Kingdoms. With thee will I break in pieces the Horse, and Chariot, and his Rider, Man and Woman, Young and Old, Shepherd and Flock, Captains and Rulers.*

And the same is as plainly said of Rebellious Attempts of *Disloyal Subjects*; yea, of *Abalom* when he rebelled and rose against *David*, the best of Kings.

*I will raise up Evil against thee*  
2 Sam. 12. *out of thine own House*, saith  
11, 12. God, speaking of this Insurrection; and *I will take thy Wives before thine Eyes, and I will give them to thy Neighbour, to lie with them in sight of this Sun*; (which  
Ch. 16. 21, *Abalom* did on *Achitophel's*  
22. Advice, to assure all the People

the Breach betwixt his Father and him was gone past Reconciliation.) - *And this I will do before all Israel, and before this Sun.*

Such as these are the Scripture Declarations, concerning the Attempts of *Ambitious Princes*, for *Rebellious Subjects*, in this Case. He says, of the Attempters, *That he raises, and stirs them up; that he sends, he charges, he smites, and hews, and saws, and breaks in pieces by them, and gives, and takes, and doth what is thereby done*. All this they may plainly produce, and plead, as said by God, to give Right to them in their Attempts to get a Crown. And what more, or fuller Declarations, doth he pretend to give them a Right to wear it, when they have violently got one? So that if this help of Providence, and these and such like Scripture Declarations, must carry, not only accomplishment, but a Right from God to the Actors in the Things so spoke of; they will carry as good Right to a Foreigner for Invading, or to a Subject for Rebelling to pull down a King, as they will to either for Possessing his Throne, when they have got him down; they are as full to make Right in the Unjust and Rebellious Attempts, as in the following unjust Possessions. And why should they not be as Effectual, since Holding and Possessing is not less against Right, than Attempting is? And this way, not only the unjust Holders of others Crowns, but the Rebellious and unjust Attempters of them, would have good Right for what they do; and Men were unjust in their Centures, that thought them either Wicked or Unrighteous.

I shall only add on this Point, that this Success of Providence without other Title, is to give Right both ways, (*p. 12.*) both in *pulling down Kings, and setting up Kings*. And accordingly, (*p. 11. 20.*) one of his Proofs for this Providential Right, is that saying of *Daniel*, (*ch. 2. 21.*) *That God removes Kings, and sets up Kings*, which he understands of God's Providence, though without other Title, not only

only accomplishing such Removal, or Advancement, but giving Right to it. Now Providence giving Right to pull down Kings, must be giving a Right to those that pull them down; for *Right cannot be given more than Authority can*, as he notes, (p. 10. Prop. 2.) *but to some Person*. And who are they that pull down Kings, but either Ambitious Foreign Princes, or Rebellious Subjects? Therefore Providence must give this Right to them. And if they act nothing without a sufficient Right of Providence, Wherein should such unjust Invasions, or Rebellions, be thought Unrighteous?

Thus would this Author's Principle of Providential Possession, without other Title, giving the best Right to Crowns, *Destroy all Obligation of Right and Wrong among Kings, either in getting, or in keeping Crowns*. And what a calamitous Misfortune would this be to them? For what Men in this World have more to secure therein than Kings? And the *Obligations of Right and Wrong*, are the best Security to them, as they are to all Mankind besides: If they are under no Obligation to do Right, they will have no claim to receive any, but be left as Nature's *Out-Laws*; and where there is no regard to Right, the sole regard is to Power; and then as all they can take of anothers is their own, so all that will be anothers, either Foreign Princes, or Rebellious Subjects, which can be taken from them: Now this is a State, that is not Human but Foreign. It is the State of *Beasts*, or *Creatures of Prey*, that have no restraint but Power, and catch what they can; and would be aggravated, and made so much worse in Men than it is in them, because Men have Reason, and they have none: For Prey without Reason, is infinitely less Mischievous, than Prey with it; if making a Prey of others is the only use to be made thereof. And can this possibly be the State of God's *Vice-gerents*, which doth not only Unking, but Unman them, and make their State worse than that of the Beasts themselves?

And this is to bring in all the mischievous Effects of Mr. Hobbs's Notion of Power, in making his State of War; for where all is left to *Strength and Power*, there is a State of War. Peace stands by Right, which is to restrain Power; for where Right Rules, it will be held quietly and securely, by the weaker against the stronger. But War gets, and holds all by Power: And this is the most rightful way of getting and holding, if Power carry away the best Right along with it. So that whosoever has Power enough, has Right to seize as much, and to subdue as many as he pleases.

Mr. Hobbs, he observes, (p. 15.) *makes Power, and nothing else to give Right to Dominion*. But he makes a Derivation of Right from God, who is Lord of the World by a Title of Right, having made it. And makes Power only to carry this Right from God, which it carries inseparably, though not naturally, or as a certain Sign to us, that where God has placed and settled the Power, he has given the Authority.

I will not here Dispute why it may not be left to Power, or Strength, to carry Right and Authority in the Spring, as well as in the Stream; and to give Right, as well as inseparably to carry it. But for all this Difference about the way, how it came by it, since Strength always has Right, there will be no Difference in the Effect. *Strength, or Power*, it seems, still carries Right from God inseparably along with it. And Right always carried by Power, is not a Right to settle Peace, but to make War; not a Right to secure the Weaker, but to give all to the Stronger: So his Power carrying Right, throws all into a State of War, as much, I conceive, as Mr. Hobbs's Power giving it; and adds the grant of God to boot, as if in this way of getting all by War, and the Stronger taking from the Weaker, they all the while kept to that course of Right, which God has given them to walk by. Nay, if at last, by breaking the Strength of rightful Opposers in this way of power, they come peaceably to enjoy such Get-

M tings;

tings; yet is not that the Peace which God intends, which is a Peace with Justice, or for every Man peaceably to enjoy his own, not for one Man to live at Peace in possessing another Man's Rights and Properties; which God all the while calls upon him to restore to him, to whom of Right they do belong.

To this effect, of its destroying all Obligation of Right and Wrong among Kings. I add,

2. Secondly, That this Notion of *Providential Right* would confirm and authorize all illegal Invasions of Kings upon their own Subjects. The Reason is, because when he invades either their Liberties or Properties, and grasps at more Authority or Possessions among them, than doth by Right and Law belong to him; all the Success he has is by Providence: And these unjust Attempts upon his own Subjects, have like Scripture Declarations, as other unjust Attempts on any Neighbour Kings. Let the Evil of the City be Arbitrariness and Oppression; *shall there be any Evil in the City*, saith the Prophet, *and the Lord hath not done it?* Am. 3. 6. Do the Israelites labour under the heaviest Servitude and Oppressions, whilst Subject to the King of Egypt? *God turned their Hearts to hate his People, and deal subtilly with his Servants*, says David, Ps. 105. 25. Doth Rehoboam's Heart devise Tyranical Rigours and Oppressions, and his rough Answer threaten the people to *Chastise them with Scorpions*? The Scripture tells us, *the Cause was from the Lord*, 1 King. 12. 13. 14. 15. *Unrighteous, Ravenous, and Oppressive Kings*, whom God calls his *Rod*, and *Staff*, and *Battle Ax*, and the like; are as much so, when turned upon their own Subjects, as when upon foreign Princes. And whatever are the Councils of the King's heart, whether against Subjects or Strangers, the Scripture declares in general, *That the King's heart is in God's hand, and that he turns it whither he will*, Prov. 21. 1. So that in their *Domestick Invasions*, Kings have as good Plea of Providence,

and as good Scripture Declarations, of *God's turning their Hearts*, and *causing, and doing, and acting*, by them therein, as in any others. And in Reason, methinks, if they were to get Right by any Invasion of Rights, it should be most especially in invading the Rights and Liberties of their own Subjects. The Consideration of their being Subjects may give more pretence, and embolden him to take greater Liberties, and bind them to more patient Sufferance, than when the like is done to other Kings, that stand with him upon even Terms, and are no ways Subject to him at all.

But now, 'tis plain Kings do not get Right by such mere unrighteous Invasions, without other Title, of Subjects Rights and Properties. As *Abah* did not, by unjustly possessing himself of *Naboth's Vineyard*: Nor *Jebojakim*, by *having his eyes and heart only for shedding innocent Blood, and Oppression and Violence*, and by *building his House by Unrighteousness, and his Chambers by Wrong*; whom God did not look upon as having any Right therein, but denounces a *Woe* upon him, Jer. 22. 13. 17. And if this must be the Consequence of this Right of Providence, to give as good Authority and Confirmation to any Invasions our Kings shall make upon our Rights, as to any, that other Princes shall make upon theirs; I think neither Prince nor Subjects have any great Cause to be fond thereof.

3. Thirdly, It confirms the unjust Possessions and Invasions one private Subject shall make upon the Properties of another. If Robbers or Pyrates possess themselves of other Mens Money or Goods, by this Principle they have a better Right thereto than the legal Owners. For their Possession is by Providence, that delivered the Sufferers into their hands: And it is as much authorized as the other, by Scripture Expressions. *The Lord hath taken away*, saith Job, when the *Sabeans* and *Chaldeans* Robbers had taken and carried away his Substance, Job 1. 21. And, *is not that the*  
Lord



*Lord hath sent*, is the Reflection of all serious persons upon these Misfortunes. So there is as much Providence, and as much said of it in private as in publick Robberies. Both then have equally the Right of Providence: And that, says he, is better than any Right the Legal Owners had by human Laws. So that as it ousts Kings of their Crowns, it will oust private Persons of their Purse; and make all private Robbers, as well as publick Usurpers, to hold their Purchase by the best and most rightful Titles.

To this he says, (p. 34.) *That the Dispute is not about human or legal Right in either Case.* 'Tis not, I grant, whether either Usurpers or Robbers, have a legal Right to what they have got; which no Man, that understands what he talks of, will Dispute; but 'tis whether they have not another Right, viz. *Providential Right*, which shall set aside both the Dispossessed Prince's, and Private Owner's legal Rights. And if Providence, and the fore said Scripture Declarations made such *Providential Right*; 'tis plain they are as much on the side of a private Robber, as of an Usurper, and so would give that Right to both, if they did to either.

But the Dispute, adds he, (*ibid.*) is about Authority; and no Man will pretend that Thieves and Pyrates have God's Authority, which the Persons robbed are bound to submit to. But who puts the Objection so? What the Thief pretends to, is the Purse, which is matter of Property; and what the Usurper claims, is the Crown, which is matter of Authority: And Right is necessary to both in their respective pretences, if they would hold them righteously. This can be no legal Right, which rests still with the dispossessed Prince and private Sufferers. But the Author has found a *Providential Right* better than the Legal, to give the Usurper the best Right to the Authority. And that will serve as well for the Thief or Pyrate, and give him the best Right to the Property. And if he can hold his stolen Goods, by as

good Right as Usurpers may their Usurped Crowns; by this *Principle*, in the Eyes of God, he may all the time be very Righteous: For God is no respecter of Persons; and so when he justifies one, he will not condemn the other, when he can make the same *Plea*, and acts upon the very same *Grounds*.

If this Right of Providence is the best Right, it will be the best for every thing that is to go by Right; and then it will be the best Title to Property, as well as to Authority. Yea, Goods and Properties are expressly mentioned in those Scripture Declarations, which are thought by him to carry this Right of Providence to unjust Possessors of others Crowns. *When I send the Assyrian against an Hypocritical Nation, I will give him a charge to take the Spoil, and the Prey*, saith God, *Is. 10. 6.* And God is as expressly said to have taken David's Wives, and to have given them to Absalom, as to have given him his Crown, *2 Sam. 12. 12.* So the gift and charge of God in Providence, was as much for Estates and Properties, as for Crowns; and gave a Right to both, if it did to either. Nay, there is more likelihood of *Providential Possession*, without other Title, giving Right to Goods and Properties, than to Authority. For Money and Goods may be forcibly taken, but Authority, as I formerly observed, cannot be forcibly taken, being a Moral Quality, and Spiritual Thing: And it seems very strange, that forcible Possession should be a Title to Authority, which cannot be forcibly Possessed. But it would be more strange, if at the same time, it gives the Usurper a Title to what he cannot, it should be able to give him no Title to what he can, and doth by force Possess himself of.

To all this I might add, How the making such Scripture Expressions of God's Acting in Providence, a Commission of Right to the Actors, in all the evil Things spoken of, would lead us to justify all other Unrighteousness. If the Jews murder our Saviour Christ himself by wicked Hands; he was first delivered to them, not only by

*by the foreknowledge, but determinate Counsel of God, saith St. Peter, Act. 2. 23. If one Man kills another, God delivered the slain into the Hands of the Murderer, saith the Law, Ex. 21. 13. If the Righteous suffer violence from the Wicked, those Wicked are God's Sword, saith the Psalmist, Pl. 17. 13. If in Extremities of a Siege, Parents shall act the most unnatural Things, Eating the Flesh of their own Children; or, each Man Eating the Flesh of his Friend, I cause it, saith the Lord, Jer. 19. 9. In sum, whatever ill is done, it is brought about by the Providence of God, as well as by the Wickedness of Men. Shall there be Evil in a City, and the Lord hath not done it? saith the Prophet, Am. 3. 6. I form Light, and I create Darkness; I make Peace, and create Evil: If the Lord do all these Things, says God, Is. 45. 7. He hath wrought all Things for himself, saith the wise Man, even the Wicked for the Day of Evil; or to vent their Wickedness on them, to whom he sees fit to send Evil, Prov. 16. 4. So that if the part of Providence, were not only to accomplish the Events, wherein all that God himself doth is most just, and for just Ends, but also to give Right to others, that act in them; these Wicked-*

*nesses would be rightfully done, and there would be no such thing as Unrighteousness left in the Actions of Men.*

And thus on all these Accounts, I think, it may sufficiently appear how this fancied Right of Providence, or making mere Providential Possession of other Mens legal Rights, without other Title, the best Right and Title to them, would quite destroy the common nature and use of Right and Wrong. If there is any such Thing as Right, it must govern Providential Possession, and not give way to it. Attempts for Possession must suppose Right to justify them: And Possession itself must suppose other Right, to continue and hold it on, because if it is a Possession, not of our own, but of another's Right, it must not be held, but restored and given back again. And the governing and guarding Possession, is all the use and intent of Right among Men; which is for this very Design, that every Man may quietly and uninterruptedly have, and hold his own. So once exempt Possession from being subject to Right, and the use of Right is gon; and make Right to go by Possession, and there is neither need of, nor benefit by Right among Mankind.

## CHAP. VI.

### *This Right by mere Providential Possession, disproved by other Arguments.*

**S**ECONDLY, That mere Providential Possession, without other Title, doth not give the Right of a Throne to one, or take it from another, may appear from the use of Providence.

Providence, or Providential Success, is seen in helping Princes to get other Mens rightful Crowns, or private Men to get their Neighbours rightful Possessions. But the use it serves in these unjust Gettings, is

is not to give those it helps and speeds therein, any Right or Title to them. For,

1. *First, Right is limited to Righteous Events; but the Success of Providence is to be common to all Successful Events.* If Success carried Right, it would carry it to all that Succeeds; that is, to all that prosperously happens, or comes to pass: And so all Successful Events would have Right in them, and then there would be none Unrighteous among them. But 'tis plain the most wicked Persons, and Projects, have had the most conveyed Successes: This has been the very Difficulty that has ever most Scandalized, and Staggered the Righteous in the Belief of Providence, *To see the Prosperity of the Wicked, and their strange Temporal Success in the most ungodly Courses,* as the *Psalmist* observes, *Pf. 73. 2, 3. &c. and Pf. 37. 7. There is one Event, saith the wife Man, to the Righteous and the Wicked;* the Observation whereof, *Makes the Hearts of Men full of Evil; all Things here come alike to all, and no Man knows either Love or Hatred, by all that is before him, Eccles. 9. 12. 3.* So that Right is far from being so wide, and extending to so many, as Success doth. It is confined to some Actions and Successes; and an infinite Number of others, God knows, are Unrighteous; and therefore that which carries Right from God, must be something that is limited to those good Actions; and Successes that have Right, and not any Thing that is mentioned, or common to all those bad ones, that want it.

And this, in absence of express Revelation to make Divine Right, is Legal or Human Right. This is a Right that God owns; and his Laws about doing Right secure, as far as any Laws can do it. And this Human Right, limits Right only to Righteous Actions and Successes; for they are the only Actions and Successes, which are according to it: And so also do the Laws of God that back it; for they justify only the Observers of this precedent Right, and condemn all the violent In-

truders and Detainers thereof. So this Ground of Right is adequate to those Actions and Successes that have Right; justifying all those Providential Attempts and Issues, that are according to this Right; and condemning all as Unrighteous that are against it.

2. *Secondly, The Providence in the Cases here Disputed, Is a Providence in Unrighteous Actions and Successes.* And the use thereof in them, cannot be to give Right to them; for that would be to make Men do Right whilst they are doing Unrighteously, which is a contradiction.

The *Assyrian*, for instance, all the time he was spoiling Kings of their Crowns, and People of their Possessions, under the Shelter of this Plea of Providence, was most horribly Unrighteous. His gettings, as I observed before, are termed *Violence and Ravine*. All his Violences, which if we look at the Hand of God, upon the Oppressed Kings and Kingdoms, were God's just Scourge and Vengeance upon the Sufferers; as they concerned himself, *Were a filling up the Measure of his own Sin,* and making him Ripe for like fearful Vengeance. *When the Lord hath performed his Work by him, he will punish the Assyrian, II. 10. 12. When all the rest of the Nations had drunk of the Cup of Fury; the King of Sheshach shall drink after them, Jer. 25. 15. 26.* And all the Vengeance that came upon Usurping and Oppressive *Babylon* afterwards, was a requital of Vengeance for their former Violences. *The Vengeance of the Lord, and of his Temple, Jer. 51. 11. His Vengeance in recompensing her, in the way of her own Violence, and doing to her according as she had done to others, Jer. 25. 14. &c. 30. 15. Even because she had spoiled many Nations, all the Remnant of the People should spoil her: and the Woe should come upon her, because of Mens Blood, and for the Violence of the Land, of the City, and of all that dwell therein, Habak. 2. 8.* And the Case is alike with all other, either Princes or private Persons, when they are made use

of by Providence in any Unrighteous Acts, which are plainly against the Rules of Justice and God's Laws; as in all the preceding instances, of Providence serving it self by Men, in their doing the worst Things.

Now since Providence is concerned here, in Acts that God Blames and Condemns, and, for which he takes Vengeance; 'tis plain the part of Providence is not to give Right to the Actors, which would render them Unpunishable, Righteous and Blameless; but it has other Ends, which may be served by the Actors having no Right to what they do, but being therein most Unrighteous. For Providence justly serves it self of Wicked, and Unrighteous Men, and Actions, not by commanding any Unrighteousness, or inclining Men to be Unrighteous, which would make Providence a sharer in the

Unrighteousness; but, when

If 10. 7. in the way of free Creatures,

*They are bent upon Unrighteousness themselves*, as God declares the *Assyrian* was, in so ordering Occasions and Opportunities, and over-ruling Issues, as shall make them serve his own just Purposes thereby, against a *Prince*, or *People of his Wrath*; which the unjust Actors and Executioners, as he says of the *Assyrian*, never dream'd of. And this serving his own righteous Ends, by Mens unrighteousness, leaves Right and Wrong, to be still the same they were among them. So that look only to the Actor, and there is no Right for what is done, or possessed by him; but look up to God, whose Providence ordered their unjust Actions to fall upon those that offended him, and which he will over-rule to accomplish his just Ends; and the Sufferers themselves must needs say, there is Justice in his Ordering.

And upon this I shall note, *What the concern of Providence is, in the unrighteous Acts and Successes of Kings*; or others he makes use of, which is expressed by his *Sending, or Charging, or Ruling, or Set-*

*ting up, or Pulling down, or Giving, or Taking by them, &c.* All which speak God's Providence, *not giving Right, or authorizing the Actors, or their Actions, but effectually accomplishing, and serving his own Purposes thereby.*

*They speak not God's giving Right, or authorizing the Actors, or their Actions*; as is plain, because it is in Actions that he accounts and calls Unrighteous, and will take Vengeance for, as has been shewn of the *Assyrian*; and as is plain of all the forecited horribly wicked and unrighteous Actions; concerning which, notwithstanding, the Scripture uses these Expressions. And no Man that will retain any Reverence for God, or Regard of Good and Evil, can think otherwise.

But they speak Providence *effectually accomplishing, and serving its own wise Purposes by them.*

This is not by God's Counselling, or any ways Inciting the unrighteous Actors, to their wicked and unjust Attempts. The desire and disposition of Mind, proceeds only from Satan and themselves. And when they engage in them, it is only as set on by their own Ambition or Avarice, or other Corrupt Passions; and all they seek to serve therein, is not God, or his Purposes; which, perhaps, they never think of, but only their own wicked and unjust Appetites. As God declares of the *Assyrian*, who meant nothing by all his Invasions, as God did, but only pursued an insatiable Thirst of Empire, and *thought to destroy, and cut off Nations not a few*, II. 10. 7. no more than the wicked *Jews* thought of serving those Ends, by the Crucifixion of *Christ*, for which God had preordained it; or the Actors in any other Wickedness, think of ministering to those good Purposes, whereto an over-ruling Providence makes them serve, by bringing Light out of Darkness.

But when Men are fully disposed, and prepared of themselves, either unjustly to enlarge Empire, or to act any other Unrighteousness; the part of Providence *is effectually accomplishing what God designs*



*signs thereby.* shall particularly note in these two Things.

1. *In directing them to Objects.* This Providence doth, by suiting Accidents and Circumstances, and making all things conspire that the People, or Persons of his Wrath, shall fall in the way of those that are bent to spoil them, when they have no Discouragements or Impediments, either to dishearten or divert them. Or by overruling those things from which they take their Measures and Determinations, so as to fix their Resolutions and Motions against whom he pleases. And this Act of Providence the Scripture notes in the *Assyrian*, whose general hunger to devour all, was by God thus fixt upon *Jerusalem*. *Cast a Mount against Jerusalem*, saith God by the Prophet, *this is the City to be visited*, Jer. 6. 6. And when he was in *Doubt* within himself, at the division of the Ways leading to each, whether to march against the *Fews* or *Ammonites*; God over-rules his *Lots* and *Divinations*, to make them pass by the *Ammonites* at that time, and fall upon *Jerusalem*, as *Ezekiel* declares, *Ezek.* 21. 19, 20, 21, 22, 24.

2. *In determining and over-ruling Issues*, making the Actors Violence and Unrighteousness to serve his own Righteous Ends, which they never dreamed of: As he did the *Assyrians* Violence, to avenge his Quarrel on the People of his Wrath: And the Wickedness and Unrighteousness of all others, either Princes or private Persons, Provisionally limiting all, that they shall neither fall out sooner, nor proceed farther, nor rest longer upon the Persons allotted for them, than he sees fit: And that they shall serve, either for Tryal of Patience, or Punishment of Wickedness; or prove Steps to Good or Ill in the end, as he pleases.

Now this Determination to Objects and Issues, effectually accomplishes the Events; which therefore is called God's *sending*, and *charging*, or *giving and taking*, and the like, in the forelaid Scriptures: And

all, without the least Regard to authorizing and giving Right to the Actors, which is not to be expected in unrighteous and punishable Actions, and which God therein doth not at all meddle with. What needs Right, is going at all on such Errands, and violently seizing what is their Neighbours. And this they have not at all from him, but the Bent and Disposition thereto is all their own. But when they are set upon this by their own Avarice, Ambition, or other corrupt Passions; Providence ministers Accidents and Opportunities, which come not to them in way of authorizing, but of trying, as they do to every one else, in an unrighteous Action. And these Accidents and Opportunities, to a mind so prepared, will ascertain the Accomplishments, and limit and over-rule it, as God sees fit; and so bear out all these Scripture Expressions of God's accomplishing, without any thing of his giving Right and authorizing; which no one must expect from him in an evil or unrighteous thing.

3. *Thirdly*, That this *Right of Providence*, or mere Provisional Possession, without other Title, doth not set aside *Legal Right*, may appear from the *Authority of our own Laws*. The constant Method of Law is, To give any thing in Dispute to the legal Title, against the illegal Possessor. This is manifest in all private Rights. If a Man has a legal Title to any thing, the Law every Time rejects the illegal Possessor, for all he has the Plea of Provisional Possession against the other. And 'tis plainly so in the legal Title to the Crown too.

This appears by all the forementioned Proofs of the Laws looking upon the dispossessed Prince, with legal Title, *still as King*; and making the Allegiance of all the Subjects to continue due to him; yea, of the Usurper himself, if he were a Subject before. And attainting him, as well as them, for Treasonable Breaches of the same; so making the Provisional Possessor a Traitor to the Legal Owner, as *Shave shewn*

Thewn from sundry *Acts of Parliament* and *judged Cases*, in behalf of the dispossessed rightful Kings. All which, establishing the legal King's Authority, against the Providential Usurper's, shew plainly, That our Law thinks better of a legal Right, than of the Author's Right of Providence. To which I will add the Judgment of the Parliament, 39 H. 6. on a Competition betwixt these two Titles. For H. 6. had the *Providential Right*, and had Reigned King himself for almost Forty Years; and all that the D. of York had to oppose against it, was his *Legal* Rot. Parl. 39. Right: And yet that Parliam. H. 6. No. 18. must confess, *the Duke's Title of Legal Right could not be Defeated.*

Indeed, if Providential Possession were the best Right, there would be very little use of the legal Right. Yes, says he, (p. 15.) *it would bar all other human Claims.* But the Right of Providence, according to his Notion, has barr'd these better. And what use of a worse Title, to do that which a better has done before? If a Prince is in the Throne, he needs not to hold by it; for his Providential Possession will exclude all other Princes, and oblige his own Subjects, as effectually as any human Right would. And if he is out of the Throne, he cannot claim by it, because it is the Possessor's by a better Right, and no Man can honestly claim that from another, which he has a better Title to than himself. And if it is of no use to a King, either for holding a Crown whilst he has it, or for recovering it when he has lost it, I think there is no great account to be made of it.

I shall now,

4. *Fourthly*, in the last place, add some *Authorities in this Case*, to show how valid these *Legal Rights* have been held, against *Providential Usurpations and Possessions*, both by the *Primitive* and our own Church.

As for the *Primitive Church*, they saw several Competitions of these Two Titles.

In one Part or other of the Empire, some were still assuming the Purple, and setting up in *Fact* against the legal Emperor; and these were Possessed for their Time of the Countreys where the Defection was, the People being all in their Power, and publick Acts passing in their Names; and this sometimes continuing for Years, before they and their adherents were Overthrown, or Reduced by the lawful Emperors. If Providential Possession, without other Right then, carries the best Title, here was the Title of Providence, for so much as they possessed; the whole Power of those Places being in their Hands, and they being able there to crush all Opposers. And if God grants Right where he grants Power, here was a Divine Right, to so much as these Usurpers had got into their Power. But yet, the Christians in those Places never thought this a Warranty to cast off their lawful Emperor, as being this way disauthoriz'd by God, and to turn Subjects to these Usurpers, as having God's Authority in these Countreys put into their Hands: So, never any Christians would stick to them, or act under them, as in Obedience to God's Authority they should have done, had they thought them now to be the Emperors of God's making among them. *Nunquam Albiniani, nunquam Nigriani, &c.* \* lays \* *Apol. c. 35. Turullian*, that is, Their \* *ad Scap. c. 2.* Enemies could never give

an instance when they turned to any such Usurper, or took part in such Defection; Two whereof, viz. that by *Niger*, and another by *Albinus*, were fresh in Memory at that time: Herein keeping strictly and conscientiously to the Apostle's limitation, who requires them to submit to the King as Supreme, and to those sent to govern the Provinces, only as to Governors sent by him; and so not to submit, and stick to them, when they set up for themselves against him, 1 Pet. 2. 13, 14.

As for our own Church of England, we have had a like signal Competition between

tween them in the long *Usurpations*, till *King Charles the Second's Restauration*; and as full a Declaration has been made of the Churches Sense therein, and of the validity of the King's legal Title, against these *Usurpers* mere Providential Possession, as can ordinarily be made by the Actings and Sufferings, the Preaching and Printing, of the *Church Men*, both all the time of the *Usurpations*, and for near Thirty Years together since. And this, I think, is good Argument in this way of Arguing, viz. from Authority; though, he says, (p. 45, 46.) *There is only Prejudice, but no Argument in it.* For such Preaching and Suffering, for this Doctrine, by the greatest Lights and confessed Pillars of the Church, during all the Days of Usurpation, and such constant Maintenance of the same, both by Books and Sermons on the Anniversary Days, and other Occasions of treating on that Subject, in all Places of the Kingdom ever since till this Revolution, must needs clear this to have been the Churches Doctrine; and that after it had been put most upon studying the Point, and delivering its Sense therein. And this *Churches Authority*, he says, *Is a venerable Authority*, and thinks there is good Argument in it, when (p. 3. &c.) he seeks to confirm his own Opinion, from *Bishop Overall's Convocation Book*.

But a *great Prejudice*, he says, (p. 46.) *the received Sense, and Censure of those Usurpations is to his Rights of Providence*: And very well it may, upon many Accounts. For a *King*, in his Notion, (p. 12.) *is removed, and disauthorized, by God, when Providence thrusts him from the Throne, and takes the Government*, that is, actual Government, out of his hand. And another *King*, or Commonwealth (for the Case is the same under any Form,) *is set up, and clothed with God's Authority, when Providence advances them to his Throne, and puts the actual Government into their hand.* Now, when *King Charles I.* stood arraigned before the *High Court of Justice*, Providence had thrust him out of his

Throne, and taken the actual Government out of his hand, and put it in the hand of the *Rump Parliament*. Then had he none of God's Authority, nor any Allegiance due to him? Then his Tryal was no Tryal of the real, but only nominal King; God having first removed that Authority and actual Government from him, which made him King, and Allegiance due to him. Then were his Judges no Traytors; and his Murder no Treason: Which is quite against the received Opinion of *Church of England Men*.

Again, as to his Son *King Charles II.* after his Death, when he came into *England* with an Army, at *Worcester Fight*, the *Rump Parliament* were Providentially possessed of all the Power and Exercise of Government, and had been for *two years and an half*; which is a longer time than has passed hitherto, for the Possession of the same, or Settlement of the present Government. If then God's Authority goes with such Exercise and Possession, they had God's Authority here, and he had it not. Then if he came as an Englishman, he could be nothing here but a Subject. Then was his leading an Army through *England*, and Attempts to raise one in it, against the *Rump Parliament*, a *Rebellious Arming* against God's Authority and Ordinance; and he and all his Adherents were *Rebels against the Common-Wealth*: And all, that stir'd in his Cause afterwards, were Guilty of the *Scriptural Resisting of Authority*, or higher Powers; and their Sufferings were just Executions: They deserved to dye for it here, and, without Repentance, were in danger to be eternally condemn'd for it hereafter. All which are likewise very crofts to the *Church of England* received Opinions; yea, and to the Opinion of this Reverend Person, who is far enough from charging these things upon them: And his Endeavour in this point is, to exempt his Principle of *Providential Rights* from authorizing the Usurpers of that time, or aspersing the *Loyal Adherents* of the *Legal Rights*, with the foregoing Imputation.

There is *Difference*, he says, (p. 46.) *betwixt these two Cases*; and he instances in many particulars. The only Question is, Whether any of the Points of Difference assigned, make a Difference in the *Possessors Authority*, and *Subjects Allegiance*. If not, theirs was *God's Authority* by his *Providential Right*, for all the Differences: And the *King*, and all the *Loyalists*, resisting *God's Authority*, would therein have been *rebellious*, as is before alledged.

For what is the Ground of all Conscionable Allegiance? *God's Authority*, as he rightly observes, (p. 15. 34.) *and nothing else*. And what makes any Person, or Body of Men, to be *God's Authority* or *Ordinance*? Is it coming well by their Power, without *Villanies*, or *Murder of preceding Sovereigns*? Or is it good use of those they have *Providentially* got under their Power, especially of such of them as had *bore Arms in the opposite Cause*, and stand still well affected to it? Is it their *keeping up Bishops and Episcopal Clergy*, and *Church Revenues*? Or *retaining Fundamental Laws and Constitutions*; yea, or even *Monarchy* it self, or *Legal Parliaments*; all which are the Particulars of Difference assigned by him in this point? (p. 46. 47.) No, none of these makes any to be *God's Authority* or *Ordinance*, according to his Principles; but being *set up by Providence in Possession of Power, and actual Administration of Government*. This makes both the *Change of Form and Government*, or the *new Degenerate Forms of Government*, as he tells us, (p. 4. 5.) from the *Comaeation Book*, to be *God's Ordinance*: And therefore as such we must own them, when actually administering, whether they be *Monarchy* or *Commonwealth*; whether all *Estates*, or only *Commons*; whether a full *House*, or a few *Persons*. And also the *Change of Persons*, (ib. & p. 34.) how villanously soever the Change was brought about; whether by the *Injustice of Ambitious Neighbours*, or by the *Treason and Rebellion of Disloyal Subjects*. Then, for all the *Villanies* of those *Usurpers*, and the *Murder of K. Charles*, and their barbarous

usage of his *Friends*, and pulling down *Bishops* and *Bishops Lands*, and turning out malignant *Clergy*, and changing *Monarchy* to *Common-wealth*, and a full *Representative* of the Nation to a *Rump Parliament*: For all these, I say, since *Providence* had put them into *Possession* and *Administration* of *Government*, *God* had put them into his *Authority*, by this *Principle*, and they were as truly a *Power* of his making, and his *Ordinance*, by this *Plea*, as the present *Power*, or any other *Providential Power* and *Possessor*, is.

And having thus got into *God's Authority*, What can make them lose it? Will continuance of the same villanous Practices against the murder'd King's legal Heir, or his *Friends*, or the *Church* and *Bishops*? No, but only like *Dispossession* again by *Providence*. Whilst in this *Possession* then they were *God's Ordinance*, And for what Cause may *Subjects Arm against God's Ordinance*? May they do it for their pulling down the *Church of England*, or the King's *Friends*, out of an abhorrence they have of past, or for the *Oppressions* they feel by present *Villanies*? No. For what then would become of the *Doctrine of Non-resistance*? And if they could not with a good Conscience be resisted for these, What is like to become of those *Rising*? Or, Who can bring them off from being as *Damnable a Resistance*, as any other *Rebellions*?

But he adds, (p. 47.) lastly, *That their Government was never settled; being frequently changed, and having no National Consent*.

As to *Settlement*, by these Principles, I do not see, that *Settlement in Possession* should first give *Right*, or *Authority*; but only that it should settle and continue them; for *Possession gives Authority*, by his Account. (p. 15. 23. 25. 32. 36.) *Possession of Government* must needs give *actual Government*; and *actual Government* gives *Right to Allegiance*, as his Discourse still asserts. (p. 26. 27. 32.) Yea, all the *Scripture Texts for Obedience*, as he thinks, (p. 21.)



( p. 21. ) require it to be paid only to him, *that Exercises Government*. And claiming Allegiance, it must imply and carry Authority, since *Allegiance is only due to Authority*, as he also says. ( pag. 15. 34. )

He then who has got Possession of the actual Government, has therewith got possessed of the Authority to govern: God by course of Providence, giving or taking both together, as he conceives, and never separating them, so as to have Exercise of Government without Authority, or to leave Authority in one that cannot Exercise it and actually Govern; which Points his Proofs still run upon. Then possession of Power and actual Administration, gives or carries Authority; and the Settlement of that Possession, only settles the Authority. He that has a settled Possession, has got a settled Authority; and he, that is unsettled in Possession, has this way an uncertain and unsettled Authority; and as often as Providence gives or recal Possession, it will this way give and recal Authority. But wherever God's Authority is, or for how short a time soever it is, it must be obeyed out of Conscience. And therefore as to Point of Conscience, I think, by his Principles, the Question should be, whether any Usurper is possessed, or, at most, is thoroughly possessed of the actual Exercise of Government? That being the thing wherein Conscienceable Allegiance is concerned. But as to the point of *Secure Settlement*, how long he is like to hold it, or what appearance there is of its being alter'd; that is not matter of Conscience, to shew us our Duty; but of Prudence, to consult what may be wisest for our own Safety. And that the Exercise and actual Administration of Government, was possessed by the *Rump Parliament*, and other Usurpers, is too manifest to be disputed.

But as to this Settlement he speaks of; How long time must go to it? He doth not say the present Government hath had the longest time to settle it; and it had not had so much, when he judged it set-

tled enough to take the Oath. And as for the Number of the Nation, he knows, That not many Weeks had passed for the Settlement thereof, before the Imposers themselves were to swear Allegiance; nor many Months before all the Clergy, and all others in any Office obliged by Law thereto, were called upon to do the same. And those Usurpations were of a longer Term, than any of these amount to: So that there is no Pleading want of Settlement in them, in point of time.

Again, how *much Quietness* must go to Settlement? 'Tis thoroughly settled, he thinks, here, though there is an actual Struggle, and two great Armies, in one Kingdom, contending for the Throne; and unsubdued Rifings in another, with Suspicion of Proneness in numbers more among them to do the same. Whatever be made of the Discontents there has been so much talk and Apprehension of here at home, yet still he will say this is a thorough Settlement, for all there are these Bars in the way to Quiet. And those Usurpations might have shewn more Quietness than this; all the *three Kingdoms*, at some times, being in a quiet State of Obedience.

And as to the *frequent Changes* he mentions, they were short liv'd indeed, for *Forms of Government*. But yet, for all that, being possessed of Exercise of Government, they must have God's Authority, by this Principle, and be owned and obeyed accordingly, whilst they stood. Possession would carry God's Authority, and Subjects Obedience, to change of Forms, as well as to change of Persons. But if *frequent After-changes* be an *hindrance to thorough Settlement*, those are not knowable, but by time. And if such Change, when it happens, make all the Possession before to be no good Settlement; in what a Case, on the Author's Supposition of the *Dispossessed King's Legal Right*, are all Swearers Consciences in such Revolutions? For if they cannot in Conscience swear away their Allegiance from the *Legal Right*, till a Possessor is well

well settled; nor his Possession is well settled, if it will be changed; there would be no swearing Allegiance to the new Government, on any such Change, with a safe Conscience, upon his Supposal of its wanting *Legal Right*, unless a Man knew before hand it will not be changed. And who can know that, of this Government, or of any other, without a *Prophetick Spirit*, which I suppose no Swearers had. And then, by these Principles, for ought I see, they swore to do, what the Event may chance to make them forsworn in, which Swearing is not to be justified.

And then, as to want of *National Consent*, (p. 47.) he means, I suppose, by a *legal Representative of the Nation*. For a Practical Consent they had, all publick Acts proceeding in their Name, and publick Officers acting by Commission from them, and all People submitting accordingly, as they do now, and acquiescing under them. Not to mention any other ways of Peoples expressing Consent by *Addresses*, and other *Applications* to them.

But why must we come to consent at all, for giving a Right of Providence? For consent is the way of getting and giving human Rights, where the Consenters have any Right to give. And if Providence be tyed to set up Kings, only by human Consent; that will put an end to the fancy'd Right of Usurped Possession, and bring it to need a bottom of Consent, or human Right, to stand upon. It will also *confine the Power of God, in setting up Kings*; which is (p. 25. 37. 38.) one of his great Exceptions against the *legal Right*. For God is confined, if he cannot make a King over Men, without *human Consent*, as well as if he cannot make one without *human Laws*. And accordingly, *This necessity of human Consent in setting up and authorizing a King*, (p. 25.) he expressly excepts against upon that Account.

And if Consent were necessary, Why must it be *National in the legal Form*? This would be to tie the Right of Provi-

dence to Laws; when as the end of seeking a Right from Providence, is to fetch Right from God, not observing human Laws, but acting above and beside them. And if the Right of Providence were to be tyed to any Laws; sure it is most fit to tie it to Laws for Right, or *legal Titles*. And this also would be, not only a confining the Authority and Power of God in making Kings, but confining it to human Laws, which is the very thing he Objects against *legal Rights*; for 'tis certainly as much a confinement of him to Laws, to confide him to legal Consent, as to legal Titles: Besides, the Providential Right is to give Authority where Laws are changed, and legal Constitutions, or Representatives are alter'd; it is to authorize change of Forms, as I noted, as well as change of Persons: And therefore would authorize new Forms of Parliament, and making Representatives, as well as all other changes of the Constitution; when once Providence had given Administration of Government, and Possession of Power into their Hands. Lastly, This Consent in Form of Law, is a particular Method of this Nation, but the Right of Providence is to be a general Thing; and so if it needed any, would only require such a way as might be general, and sufficient in every Nation. So that such Consent would have been sufficient, to settle the Providential Right of those Usurpers over us, as sufficed to settle the same in the *Four Monarchies* over the *Jews*, or other Conquer'd Nations; and such a Consent no Man will need to look far for, in the present Dispute.

But besides this, *The Church of England has declared this Synodically*, I conceive; and this it has done, in *Bishop Overall's Convocation Book*, which he has so unfortunately mistaken, as if it were of his Mind. Some instances I shall give him, *Of their preferring legal Right, before his Right of Providence, without other Title*.

1. The First is in the Case of *Athaliah and Joash*. *Joash* had the *legal Right*,  
and

and the Possession for Six Years, or the fancy'd Right of Providence; and *Jehoadab* and the *Jews* stuck to his Right, and served him therein against hers. And in

this Competition the Convocation Declares, † That *Joash*, the legal Heir, was their only Natural Lord and Sovereign, though *Athaliah* had kept him for Six Years out of Possession. That *Athaliah* was a Tyrannical Usurper, the Right Heir of that Kingdom being alive: And that nothing was done, in the Process of that Alien by *Jehoadab*, or the rest, which God himself did not require at their hands, *Joash* being their only Natural Sovereign.

Here is Declaring the Legal Heir to be the only Natural Sovereign, and the Allegiance to be Due to him against the Providential Usurper in Possession, which, I think, is a plain Decision of this Question.

2. The Second is in the Case of *Jaddus* and the *Jews*, betwixt Two Competitors, *Darius* and *Alexander*. *Darius* had Human Right, and to him they had Swore Allegiance. *Alexander*, by working *Darius* at the Battle at *Issus*, got those Parts in his Power by the Author's Right of Providence, and he demands, that they should assist him in his Wars, contrary to their former Allegiance, and become Tributary to the *Macedonians*, as they had formerly been to the *Persians*. *Jaddus*

\* Chap. 30. answered, as the \* Convocation relates it, That he might not yield thereto, because he had taken an Oath for his true Allegiance to *Darius*, which he might not lawfully violate whilst *Darius* lived, being by flight escaped, when his Army was Discom-

† Can. 30. fied. And in the † Canon referring to it, they say, Having so Sworn, he might not lawfully have born Arms himself against *Darius*, or have solicited others, whether Aliens or *Jews*, thereunto. So preferring him, that had the Right, to him, that had

got the Possession; and approving of not turning Subjects, and transferring Allegiance to the Possessor, whilst the rightful Prince was living.

To this, he says, (p. 8.) That the Convocation take no Notice, that *Jaddus* having Sworn to *Darius*, could not submit to any other whilst he lived, in their Canon upon it. But they recite it in the Chapter leading to the Canon; and the Chapters declare the Opinion of the Convocation, as well as the Canons,

and \* both passed with one Consent, and were approved by both Houses. And in

reference to his Pretence, Of the former Oath to *Darius*, not to be infringing while he lived, which he returned to *Alexander's* demand of Assistance; they say in the Canon, that having so Sworn, he might not lawfully have born Arms himself against *Darius*, or have solicited others thereto.

He adds, (p. 8.) that for all this, *Jaddus* did submit, when *Alexander* came to *Jerusalem*; and that before *Darius's* last fatal Overthrow, when in his Flight he was Murdered by his own Servants. That the Convocation might believe too, from *Josephus*, and yet think *Jaddus's* a good Answer about the Obligation of his Oath: Because this Submission, at last, was upon the Direction of the Oracle and Divine Mandate. For *Jaddus* as *Josephus* relates, on

*Alexander's* coming to *Jerusalem*, offered Sacrifice, and appointed the People, by Supplications, to seek to God for Help, and Direction. And thereupon, the Night after, God appeared to him in a Vision, and directed them what to do, ordering the manner of their Procession and Reception of him, which he and the People accordingly did with all Solemnity perform. So what he first Answered, they might put upon the Score of ordinary Rule and Obligation. But what exemption he after practised, they might impute to Divine Interposition and Special Revelation, that controls and transfers all human Rights and Titles.

3. The same may further appear, I think, from the Reason they give, *Why Antiochus's Usurpation over the Jews was not settled; viz. its not being either generally received by Submission, or settled by Continuance; for Submission, and Continuance, or Prescription, are ways of human Right.* And the Romans, who had received such Submissions, and Can. 34. p. long Continuance thereof 82. and p. from the Jews, they declare were their lawful Magistrates, and lawful Authority. And if they judged Antiochus's Usurpation not settled, till it came to stand on these ways of Right; What is this but to make Right necessary to their thorough Settlement?

And suitable to their Decision in these Cases, was the Determination of the same Convocation, not only in what they say, thereto in this Book of Bishop Overal, but also in the Book of Canons made before these, and confirmed by King James: Wherein they determine for the King's legal, and the Churches Canonical Rights, against the Papal Providential Usurpations, as I shall presently observe.

And from these instances, he may see how the Convocation (as I see a \* Learned

\* An Answer to a Pamphlet, intitled Obedience and Submission to the Present Government, demonstrated from Bishop Overal's Convocat. Book

Pen has lately taken pains to prove more at large) when, in case of Usurpations, or Governments of an ill Beginning, they declare Obedience Due to them if once they are thoroughly settled, take Right into the consideration of thorough Settlement; not admitting an Usurper to be thoroughly settled in his usurped Power, whilst there is a Competitor alive that has the legal Right, and makes claim of it. The Extinction of his Right by death, or translation of it by his own Consent, is necessary, in their Account, before the other can be settled: And good reason

they had to take Right thereinto, because it is a Settlement of Authority, which, as I formerly shewed at large, is to go by Right. And if, the consideration of Right, which may be acquired by the Submission of People themselves, when those are dead that had Right over them, or by the rightful Competitors coming themselves into the Submissions, must come into their Settlement; he will own that his Providential Right can have no Confirmation, from all those Passages he has cited from the Convocation.

I shall only add further on this Argument, *That Ecclesiastical Authority is God's Authority*, as well as Civil. For God has instituted Government in the Church, as well as in the State; and the respective Rulers are his *Deputies* and *Ministers* in both. And God's Providence equally sets any Persons up, and advances them to their Authority in each Case; and, I think, will be allowed in the Author's way of Arguing, to have the Chief, and Overruling Power in disposal thereof. And then, in any Dispute and Competition of Persons, for Church Authority, Possession, or Providential Right, should prevail and carry it against the Canonical Right; the Canons being the same for making, and bounding Right in the Church, that Laws are in the State.

But that, on the contrary, the Canonical Right is to prevail over it, I shall shew briefly in Two instances.

First, From the Synodical Determination of our own Church, in case of the Papal Usurpation over us. His Jurisdiction, in this Realm, stood upon a long Possession, which is the Author's Providential Right. But it was against the Canonical Privileges of the Church of England; which being among the *Autocephali*, ought to have been independent upon him, and subject only to its own *Primacy*; so it infringed their Canonical Rights: Nay, it was an Usurpation, moreover, on the Civil Power and Regality, or on the Rights of the Crown,



*Crown, so as to invade the King's legal Right. But in Synodical Judgment about this Competition, the Church of England gave it for the King's Legal and Statutable Right, and for the Churches Canonical*

*Right, against his Rights of Can. 1. Providence, or Usurped Possession. Declaring his Power to be abolished and taken away, for most just Causes; and that therefore no manner of Subjection, and Obedience, is Due thereto in these Realms. And if this throwing out his usurped Right, by Legal and Canonical Right, were not a good Decision, How shall we justify the Reformation? And the same Determination was made by those Statutes, which abolish the Popes Supremacy, and make his Providential Possession give Place to the King's legal Rights. So that both Church and State, gave like Decision and Sentence in this Case.*

*Secondly, From the Synodical Determination of the Catholick Church, and that in one of the first four General Councils, viz.*

*the Council of Ephesus, against all Usurpations on the Freedom of other*

*Churches. For these † Fathers, † Conc. Epb. on Complaint of the Bishops Can. 8.*

*of Cyprus, That the Bishop of Antioch had invaded the Liberties of their Church, which, by the Canons and ancient Custom, was not to be Subject to him, but only to themselves, Determine for the Canonical Rights, against all Providential Invasions: And That the Invaders shall get nothing by any Successfulness of their unjust Force therein, but shall be bound to recede from all they have so unjustly gotten; and that the Canonical Right and Privilege shall still stand good against them. And had the same Question been put to those Fathers, concerning the legal Right of Princes, as was about the Canonical Right of Bishops; I fancy they would have been as just to Right in Princes, as they were to it in themselves; and have given as much Preference to legal Right, above illegal and usurped Possession, in their Prince's Case, as they did in their own.*

## CHAP. VII.

### *Of his Scripture Proofs, and some of his Reasons, for his Right by Providential Possession.*

**H**AVING hitherto endeavoured to disprove the *Author's Right of Providence*, and to establish a *Legal or Human Right*, for Crowns and all things else to go by, against all the fancied Prevalence and opposite Force thereof: Which I have done from the *Nature of things*, both the *Nature and Effects of Right*, and the *Nature and Use of Providence*; and from the *Sentence and Determination of our own Laws*;

and the *Judgment*, both of the *ancient Church*, and of the *Church of England*, given both in the *Opinions and Practices of Times*, and *Consent of Writers*, and *Synodical Decisions*, here produced; and pertinently, as I conceive, to this purpose.

And having said thus much, to shew his *Providential Possession*, without other Title, gives no such Right; I now proceed,

2. Secondly, to answer those Scriptures, and other Reasons, which he has brought to show it doth give it. All which I shall the sooner dispatch, having already answered several, and subverted the main Grounds whereon the rest are built, in what I have before said.

I. I begin, First, with the Scriptures be allged, ( p. 11. 12. 20. ) These are *Dan. 2. 21. 37. & ch. 4. 17. & Am. 3. 6.* which declare God's ruling in the Kingdoms of Men, and giving them to whom he will, and setting up whom he will over them, and removing and setting up Kings upon any Changes, and doing what is done in a City.

Now, when these are applied to Providence removing or setting up Kings, by means of human Titles, where Revelation doth not interpose; there is no Dispute, but that doth give or remove God's Authority, and therewith the Subjects Allegiance. And this way, all Kings that are, to be obeyed, are set up by God; and all that are to have no more Obedience paid to them, are removed by him.

But when they are applied, as the Author's Principle doth, to Providence doing both, without means of preceding Titles, but by means only of Success and Possession, against human Rights: All the fore-said Scriptures may speak Providence acting in these matters; but none of them by way of giving a Right, or authorizing those that get thereby, or act in them. God Rules by his Providence among Rebels, and Thieves, and Pyrates; but, as the Author says, he gives none of them a Right to act Rebellions, Thefts, or Pyracies. And Providence sets up every one that prospers, and removes every one that is removed, whether from publick or private Right; and gives what is gotten, and takes what is taken, from every other Person, as well as from the King. But his giving, or setting up, or prospering, is not giving or setting up Right in any of them, if it be in an unrighteous thing; nor his taking or removing, taking away

the Right which the legal Owners had therein. All these Expressions, when used in such cases, as I have before shewn, (*Chap. 5. & Chap. 6.*) speak God only accomplishing these Events, not authorizing or giving Right to them. And accordingly they are used about the most unrighteous things, which God himself condemns and punishes, and which all Mankind cry out of, as the most horrible Wickedness and Injustice; as may appear above more at large. So that if not mere accomplishment of an Event, or Possession, but God's giving Right to a Throne, is the Point in Question; these Scriptures; that in these Cases speak of God's Giving, or Doing, with a Respect only to Accomplishment, not to Right, will not serve the Turn.

There are several Steps and Degrees in God's removing (and so answerably in his setting up) a King. The true and full way is, when he removes him by way of Right, or by the known ways of taking his Right from him. One great way of this is removing his Person, by taking him out of the World; which removes his Right with him. And this way of removing Kings is particularly meant in *Dan. 2. 21.* where the Changes in removing and setting up Kings, is particularly spoken of the Changes from one to another in the four Monarchies; the first whereof was to be from the Babylonians to the Medes and Persians, and was accomplished in *Belsazzar, who was slain when the City was taken*, and the Empire therewith transferred to the Medes and Persians, *Dan. 5. 28. 30. 31.* And like was the way of removing the King in the next great Change, viz. by the Death of *Darius*, when the Empire passed from the Persians to the Macedonians. And by this way of removing their Persons by Death, or of conquered Kings submitting and giving up their own Rights, which is another way of removing human Rights, were the Removals of Kings brought about, in the several Changes of the Monarchies there spoken of. And both these are full Removals of Kings and

and Kingly Rights; yea, and that againſt human Laws, whereby God removed them in the Nations: Beſides that more immediate way of removing one and ſetting up another, by Perſonal Nomination, as he did ſometimes among the *Jews*.

Another Degree of God's removing a King is, not quite removing him from his Regal Right and Title, but from actual Exerciſe of Government. And this God doth ſometimes by *internal Incapacities*, depriving them of uſe of Reaſon, that renders them for the preſent incapable to Govern. As he did by *Nebuchadnezzar*, taking from him the Heart of a Man, i. e. Human Reaſon, and giving him a Beaſt's Heart, i. e. making him turn Bruiſh, fancying himſelf a Beaſt, and fit only to live among Beaſts, and to delight in them, *Dan. 4. 16. 31. &c.* This took away his Exerciſe of Government; yea of Converſation, (v. 25 32.) making him to be driven from among Men; and made a Neceſſity of ſome Regent, or other Proviſion in the interim, till he ſhould recover his Wits again. But the Title and Authority, noted in the *Viſion* by the *Stump of his Roots ſtill in the Earth*, (v. 15. 26.) was ſtill remaining in him, to ſecure his Kingdom to him, and to bind his Lords and Counſellers to ſeek unto him, as he ſays they did, (v. 36.) when his Reaſon ſhould return. And of this Removal of him, and giving away his Kingdom, not the Right and Title, but actual Adminiſtration, is his other Text, *Dan. 4. 17.* ſpoken, which calls this God's giving it to whom he will, and ſetting up and ruling in the Kingdoms of Men.

Or, ſometimes inſtead of internal Incapacities, God removes them from this actual Adminiſtration by *external Force*, when others, without any good Title of Right, are Providentially poſſeſſed of the External Power of their Kingdoms. But when God doth this alone, he doth not fully remove a King, but leaves the Right, and Authority, that goes by Right, ſtill with him. So, this is not God's Removal, or Setting up of Kings, that is to remove

or transfer Allegiance; God's giving or acting by this way, not of Title but mere Providential Poſſeſſion, not conſerring Right or Authority, as I have ſhewn before.

He alſo (p. 18.) urges *Rom. 13. 1, 2.* which declares all Powers to be of God, commanding them to be obeyed, and forbidding them to be reſiſted. But theſe Powers are only rightful Powers and Authorities, not mere Providential and Uſurping Poſſeſſors; who can have no Authority till they firſt have ſome good Title to it, as I think I have ſufficiently proved, (cb. 3.) So this will give no Right to his uſurping Poſſeſſors.

Neither will our Saviour's Argument againſt the *Phariſees*, which is another of his *Scripture Proofs*, (p. 21.) from the *Superſcription of the Coin*: Which was an Argument to thoſe, who were under a rightful Power, and could not pretend Obligation to any rightful Competitor; and to ſhew they were Subject to the *Romans*, who were the only Pretenders to Power over them: But not to ſhew whether they ſhould have owned them in Competition of a more rightful Prince, as I have declared above, (cb. 3.)

Nor will he prove it from (p. 21.) *Jeremiah's Propheſie*, calling them to ſubmit to the King of Babylon, who had an human Right over them at that time, and againſt whom, as I ſhewed, they were then in Rebellion. Nor from the *four Monarchies*, which he alſo alledges, (p. 20. 22.) becauſe what Right they had over any they ſubdued, was in way of human Rights; by the Submiſſions of People, when they had no Rightful Kings left; or by the Rightful Kings coming into the Submiſſions, as is before explained. Nor from the *Roman Emperors*, whom he likewiſe particularly adds, (p. 20. 21.) becauſe their Government, both over the *Romans* and others, ſtood on legal or human Rights, as I have formerly ſhewed. Nor will it add any Force to any of theſe to ſay (p. 20. 22.) they were foretold before in Propheſies. For Predictions only re-

spect the Events, but carry no Right or Authority to the Actors, nor alter the Moral Natures of the Events themselves, to give Right to that which is in it self unrighteous. *Christ foretold Judas's Betraying him, and the Jews Crucifying him; and the Scriptures foretel what Antichrist shall do when he shall come, and many more unrighteous Events and Accomplishments.* But as those Events would have been unrighteous without the Predictions, they were unrighteous with them; the Scriptural Foretelling giving Right or Authority to none of them. And these, I think, are all that is material in his Proof from Scripture.

I come next to answer *his Reasons* for the foresaid Right of Providence, and its Power to over-rule and set aside human Rights.

1. His *First Reason* is, (p. 23. 24. &c.) because this giving Authority by Right of Providence, *is the best and most intelligible Account of the Original of human Government, and of fetching all Authority of a Governor from God.*

But as to this, it doth not fetch any Person's Authority from God, any better, or more immediately, as I have shewn, Chap. 2. than human Right doth: Nay, by a worse means, in as much as it puts them in Authority by means of human Wickedness. And human Rights seem a much better and sifter way of carrying Right from God, than human Unrighteousness. But God's Authority is carried in God's Commandment, immediately to such a State; and by means of Rightful Title to such a Person; those Rightful Titles putting the Person in that State which God has authorized, and making the Authority to become his, before he act by it, as I have above discoursed. And as to the Question, which particular way of giving this Right, whether free Election of a Governor, or Submission to a Conqueror, or enlargement of Paternal Power by the Continuation of Duty under the Multiplication of Families, to the *Father*,

or the *First born*, did in Fact give Rise to the first or the most Governments? That is not accounted for in either way, but is an Historical Dispute. But by which soever of the ways any Government was set up, these rightful Titles are a good way of giving the Persons God's Authority, which his mere Providential Possession is not.

As for the Objections he starts and answers under this point, as, p. 25. *Ec. its barring injured Princes to recover their Rights*; and, p. 34. *giving Right to Pyrates and Robbers*; and, p. 34. 35. *the Case of Athaliah and Joash*: I have already spoke to them, Chap. 5. as they fell in the way of the Principles I have been hitherto laying down. And as to what he says, p. 27. 28. *Ec. about the Difference betwixt a maintaining and defending, and a restoring Allegiance*; I may take some notice of that anon.

2. His next Reason, p. 36. for this Right of Providence, is, *That without it, there is no defending the Doctrine of Passive Obedience.* But why so? *Because there is no irresistible Authority, but that of God; and unless Sovereign Princes received their Authority from God, Non Resistance would be Nonsense.* But they may and do receive Authority from God, and not by a Right of Providence; but either by Divine Nomination, as sometimes in *Jury*; or by human Rights and Titles, as in all other places. And this way of Right doth give a Person God's Authority, as I have shewn; which his way of Providence doth not: And his fancied way of Providence would not be more immediate, nor so good and righteous a way of giving it. And this Authority of God, conveyed thus to a Person by Rightful Title, is an irresistible Authority, because *it is God's*, and because it is a *Sovereign Authority*. There is no resisting any Authority derived from God, but under God, or by seeking to have it by an higher Authority, which is God's too. And thus the Authority of Fathers or Masters, which is God's Authority, may be



be restrain'd and checkt, when it is abus'd, by the Authority of the Prince, which is God's too, and an higher Authority. And so may the Excesses of any inferior Magistrate, by the Authority of the supreme Magistrate. All which opposing Authority, by way of Regular Appeals, and under Protection of an higher Authority, is not the *criminal resisting God's Authority*, but keeping under it, and seeking to be relieved by it. But when this Authority is not only given by God, but is a Sovereign Authority; then there is no Resistance or worldly Remedy against that, because the Sovereign has none above it.

Thus may the Doctrine of *Non Resistance* be a Rational Doctrine, without his Right of Providence. The Law of *Subjection to Sovereign Powers*, and not *Resisting*, makes it a *Sin to resist*; for (1 Job. 3. 4.) *Sin is the Transgression of a Law*. And Sovereigns having not only *God's Authority*, but a *Supream Authority* under God on Earth, is a Reason why it necessarily should be so. But that they should come by this Divine and Supreme Authority, by his Right of Providence, is neither necessary, nor just, nor fit, in my Judgement. But the way of rightful Title, either by Divine Nomination, or Human Right, is the best, and justest, and, I think I may say, from what I have Discourst thereupon, is the only true way of coming by it.

But though the Doctrine of *Passive Obedience*, and *Non Resistance*, may very well stand without his *Right of Providence*, and still transferring and paying *Allegiance* to present *Powers*, against rightful Titles: I think, on the other hand, it is necessarily overthrown by it. I know Numbers of those that Swear the Present Allegiance, upon the Ground of a *King de Facto*, are of another Mind; and believe it is no Breach of *Passive Obedience* to one, that has a legal Right, to transfer and ingage their Allegiance to stand by another, who is possessed of his Right; which, I judge, only shews non Attention to the Nature and Import of such Actings. For

*Passive Obedience* implies above all Things, *To keep under a King's Obedience*: And to cast off his Authority, is the highest Disobedience. And in this lies the uttermost Heinousness and Aggravation of Resistance, that thereby Subjects disclaim their King's Authority over them, and throw off all Obedience to him; and this is plainly done by transferring Allegiance from him. They cannot bear Allegiance to Two, nor have any more than one King, as the Author truly says, (p. 14.) So that in transferring Allegiance to another, they throw off all to him, and are as Men no longer under his Obedience and Subjection: Besides, it puts them among Resisters; and so can be no good Payment of the Duty of *Non Resistance*. For it engages them, as I observed, the Nature of all Allegiance is, to stand by the Possessor, and to withstand the other; some by Arms, others by Prayers, every one in his Station. And since both Competitors cannot have the Crown, and both seek it; all that will stand by, and support one, will therein unavoidably resist the other, who comes to recover, and get it from him.

3. Another Reason is, (p. 37.) *If we deny this Right of Providence, to carry Allegiance to Usurpers against legal Titles, we deny God's Authority to remove, or set up Kings against human Laws.*

But if God please to set up a King by particular Revelation, that will make him a King against human Laws, because God is above Laws; and this no Man denies, that denies this Right of Providence. If God is not pleased to take this way of special Revelations, he is pleased to leave Authority to be carried by human Rights: And, I suppose, he will think it no Impeachment of God's Authority, in making or removing Kings, to say he cannot do them, but by human Rights, when he will take no other way, but is pleased to leave it to them.

Besides, to come to ways of doing it among other Nations, as well as among the

the *Jews, human Rights*, as I observed, is larger than *human Laws*. And when a Man cannot be set up, or removed by the Laws, God may do both according to *human Right*, by the Death, or Submission of Competitors. If God please to take a King out of the World, which is his great way of Removing them, and is a way particularly referred to in this Scripture Phraise of *Removing Kings*, as I before observed, his Right is removed with him : Or, if he bring him to give it up, by his own Consent, his legal Right is that way too removed from him : And the other gets Right over a willing People. by his Competitors Oath, or Submission.

Though Kings then are denied to be set up, or removed, by mere Providence without other Title ; yet is that no denial of God's *Setting up of Kings*, which he may do by all the ways of *Setting them up*; viz. by all the ways of *giving Right to King's Authority*; yea, and that against Laws too, if he pleases, by all the other ways of conferring that Right, viz. *Special Revelation*, which is above Laws, or *Death of Competitors*, or *Consent of Parties*, which departs from the Right, that accrued by them. And this limittting God in *giving Right*, to ways of *giving it*, is a limitation he has made himself, and is very well pleased with. And in matters of Right, to be limited to ways of Right, seems no harder limitation than being limited to be Righteous.

Indeed it denies his way of Setting them up, viz. By *Providential Possession*, without other Title. But that, I think, is no denial of the Authority of God in this Point, because God doth not convey his Authority to any one, or revoke it that way. Authority he conveys by ways of Precedent Right thereto; and Providential Possession doth not carry Right to Authority along with it, as has been proved. It will possess a Man of all the External Strength of a King; and when he has that, he will usurp the Govern-

ment, and act as a King. But God's Authority, as I noted, is not always joyned to that External Strength : So after Providential Possession has done its Part, Right to Authority will still want to be conveyed. And till God has conferred that on a Person, he has not finished the Work of making him a King; nor till he has removed it from him, has he finished the Work of removing him from being King.

And this is no more to deny God's Authority, in removing, or setting up a King against human Laws, than the same would be a denying his Authority, to remove, or set up a Proprietor against human Laws; for Property must go by Right, as well as Authority. And if God, by Revelation, will take it from one, or give it to another against Laws, it will go against Laws. But if God will not be pleased to interpose by Revelation, if he will set up a Proprietor, it must be by giving human Right to him; or if he will remove one, he must remove the same from him, since there is no other way of giving him Right, to make him a Proprietor, more than of giving it to the other to make him King, if he is not pleased to do it by Revelation.

This denying his Right of Providence then, that is Providential Possession without other Title, in conveying Regal Authority, or making of a King, is not to deny any Authority in God, or any way of his deriving Authority to Men, which really doth derive it, that is, by giving Right to it; but it denies that to carry his Authority, which doth not carry it; or unrighteous Usurpers to have his Authority, whilst they have it not. It denies the wickedness of Men, when 'tis used and over-ruled by him to be authorized by God; or that which is Wrong to be made Right, as it would be, if Providence, that speeds and makes Men succeed in the Wrong, carried Right to them that succeed thereby; and to that they succeed in.

## C H A P. VIII.

*Of his Remaining Reasons for the same.*

**H**is next Reason is, ( p. 37, 38. ) That such denial of his Right of Providence, *Limits the Providence of God in governing Kings, and protecting and preserving injured Subjects.*

But as to *Government of Kings, Is not the King's Heart in God's* Prov. 21. 1. *Hands,* as Solomon says? Then he may govern Kings, if he pleases, by changing their Tyrannical and Oppressive Purposes: Or, Providence can at any time throw in Hinderances, and Diversions; that when they seem most bent thereupon, they shall not be able to effect them: Or, over-rule Issues, that what they design for the hurt, shall prove and turn to the Advantage of their Subjects. And as to Punishment of Oppressive Kings, God may, at his Pleasure, heap Punishments heavy enough upon them, by removing them from the Possession, though he leaves them the Right to their Crowns. Such Right, indeed, will make the Invaders Unrighteous; but his Providence most justly Scourges one unrighteous Man, by another's Unrighteousness. And if he sees fit to punish them with loss of Right, as well as of Possession, he wants not ways of doing that, without sending them out of the World, if 'tis his good Pleasure to continue, and try them longer therein, by either bringing them to give it up by their own Consent, or by taking it more immediately from them by express Revelation. But when he doth not take any of these ways of Despoiling them of Right, 'tis plain he doth not think fit to punish them with loss of that. And yet

he has ways sufficient of curbing them and taking exemplary and present Vengeance for all their Oppressions notwithstanding.

And, then, *As to Protection and Preservation of injured Subjects*; God never intends they shall always be Protected from suffering Injuries as Subjects, more than from suffering Injuries as Men. And when God sends such Sufferings, there is no way but to receive them as of his sending, and to endeavour patiently to bear, and to profit by them: Poor Subjects, that are tyed to them, must be content to suffer under ill Kings, as poor Wives must under ill Husbands, till God see fit to put an end to their Suffering, either by changing of their Hearts, or hindering, or over-ruling of their evil Practices, or removing their Persons, or their Right from their Persons, ( as may be done in Kings, though not in Husbands ) by transferring it to others in such ways as can transfer Right. For all which, the Distressed Sufferers must wait with Faith and Patience upon God, and still Thankfully receive Ease, in one kind or another, as God, who is the Orderer and Disposer thereof, is pleased to send it.

But what if God doth not remove the Right from their Persons, and Subjects could find Ease by acting against it? May they not act against their Prince's Right, to ease themselves? No, they must prefer doing Right, before getting Ease; and have a greater Regard to the discharge of Duty, than to Temporal Security. And a greater Reverence for Right,

Right, and conscionable Care of keeping Innocent and Righteous, would make us hear more of the Danger of Subjects transgressing their Duty, than of their losing Temporal Security in these Changes.

What is to be done then, about this External Security and Preservation, at such times? Trust it to p.32,33,34. God's Providence; as the Author says, *We must the recovery of the Dispossed Prince's Right*, which seem irrecoverable by his Principles. We must not trust there, when 'tis our Prince's Danger, and distrust here, when 'tis our Own; for that would be not to trust Providence with our selves, but to trust it very easily with other Men. And whilst Subjects take care Faithfully, and Righteously to serve God, they may comfortably trust him.

But besides all this, Why must this observing Duty, and doing Right to Princes, be thought against the Preservation of Subjects? It may chance to expose them on some accidental Turns indeed; but so all Rules of Preservation may, which never hit in all Cases, and yet are to be kept as inviolable Rules, and would give no Preservation at all, if Men might break them at their Pleasure to serve turns. And, as for the contrary way of breaking Right and Duty, to preserve and secure our selves; I am sure, if that is brought into Rules, it destroys all Security and Preservation; for if there is no Guard in Right, a Man is secure of nothing: And Right is no Guard, if Men are free to break it, when they can get by it. And as for his way of Right by Providential Possession, without other Title; that, in the Consequents, would overthrow all Security, in as much as it overthrows all Right, as I have shewn above. And as to the particular Preservation of Subjects, though it might flatter them with present Ease and Preservation, when such Changes are brought about; yet would it press more upon them other ways, and at other times, than this would Compensate: It would authorize their Kings

Invasions, upon their Rights and Liberties, as I shewed; and that is not for the Security and Preservation of their Liberties: And it would multiply such Revolutions, and that is against their Security likewise; there being nothing secure to Subjects where the struggle is, whilst the Change is only going on. And when it is finished, and an Usurpation settled, though those Conscientious Persons, that stand off in regard to the others Right, are great Sufferers in it; yet, through the moderation of Possessors, and above all, through the care of God's good and watchful Providence, their Sufferings do not always proceed to such utter Ruin, as Men that are more afraid of Suffering than, of Sinning, are apt beforehand to affright themselves withall.

In such Cases as he puts indeed, p. 40. viz. where an *usurping Possessor, that has Power in his hand, will persecute and ruin them for it, by Destroying, Imprisoning, or Transplanting them*; this doing Right, and keeping Allegiance to a dispossessed Prince, would be ruinous to Subjects. But so would any other Duties, when a Tyranical Prince shall require the Breach of them on like Conditions. And if the Possessor happen to do so, which is the worst Case that can be put, why must they not suffer for these, as well as for other Commandments? When any Duty is persecuted, Persecution doth not authorize Men to break the Duty, but the Duty obliges them to bear the Persecution. To *bear the Cross, and suffer for Righteousness*, is their Duty at such times.

But *Self Preservation is as much a Law to Subjects, as to Princes.* p. 42. *and if it will justify him, to save himself by leaving his Kingdom, will it not justify them, to submit to the prevailing Power, so far as is necessary for their Preservation?* Self Preservation, I grant, is common to both, that is, a Liberty for each, not a Law, as he terms it, to either. But this Liberty is limited by Right and Duty: So neither King nor Subjects must do any thing unrighteous or undutiful, to preserve



preserve themselves. And his flight for Safety is not unrighteous, nor would theirs in like Necessity. But if they should preserve themselves by acting against his Right, and by making Payment of their Allegiance to another, against him, whilst he has the Right to it; that acting against his Right is unrighteous.

He adds, (*ibid.*) *If the Necessities of Self Preservation absolve him from his Oath of Governing and Protecting his People, why should not the same Necessity absolve them from their Oath of Allegiance to him?* It will absolve both, from the actual Performance and Discharge, whilst they are out of Capacity actually to discharge them. But it absolves neither of them from the Obligation and Disposition to discharge it, when, and as far as they can. He must look upon himself, unless he has resigned his Power, still as their King, that ought, and would (though being forcibly kept separate from them, he cannot) actually Govern them. And they answerably, on themselves, as his Subjects, that are under, and must keep under his Obedience, (unless his Resignation has given them a Discharge) and stand obliged and prepared to do it, though, through hindrance of the same Force, they cannot actually obey him. Actual Performance of any Duties supposes Opportunity, which Men have not, whilst they are out of Capacity; which Incapacity is brought upon both Prince and People by the foresaid necessity. So that Necessity, whilst it lasts, will exempt from actual Discharge, so far as it incapacitates. But it leaves them under the same Relation, and the Obligation and Disposition of Mind dependant thereon. And these, whilst in most things they can not actually perform with him, will hinder them from turning Subject, and transferring Allegiance, to any other Person.

5. Another Reason alledged for his Providential Right giving Authority, and claiming Allegiance to usurping Possessors, is, *the Preservation of human Societies*, which cannot be without Government,

nor that, but under the present Possessors.

Now as to this, there are several *States of Society*: Either a *natural*, wherein all the Communications thereof are derived regularly and as they ought to be, which is a sound and perfect State; or *unnatural* and *forced*, when those Communications of the Vital Parts thereof are stopped or intercepted; which is a sickly, lame, and imperfect State. And answerable to these, will be the different *Courses of Government*: Proceeding, either upon right Principles, which is the way of a sound and perfect Government, when Society is in its natural State; or upon such other as it can get, which is the way of a lame and imperfect Government, that is off its natural Hinges when Society is put into an unnatural Frame. And answerable likewise will be the *Benefits of Government and Society*; which will be more full and perfect, or lame and limited, according as the other are.

Now the Case which he puts, of a *Rightful King being violently kept out of the Administration of his Authority*, is an unnatural and maimed State of Society: And the Preservation of Government and Society therein, must be preserving it, so as suits with that Condition.

I confess, 'tis a great Blow to Society, to have the Head of the State kept from Communication with the Body. It is then out of the natural Course, and labours in a maimed and forced Condition.

But this doth not dissolve the *Being of the Society*; for that lyes in the *mutual Relation and Obligation of the Head and Members*. The respective Societies betwixt a Bishop and his Flock, an Husband and Wife, a Prince and People, are not dissolved when the Prince, or Bishop, or Husband, are kept apart by Force, and hindred from affording their proper Offices and Communications to their several Societies; because the mutual Relation and Obligation still remains.

But besides the *Being*, there are the *Benefits of Society*. And how shall they be

be had, when the Head and Body are thus divided ?

Concerning this, I observe, That all seeking of these Benefits is to be under Rules and Limitations. And these are all the Duties of the *Second Table*, which are *Social Duties*. So the Rules of Righteousness must rule and bound us in compassing any Benefits of Society, which we must never pretend to set up, or pursue by unrighteous ways.

All these Benefits of Society then, are only such Benefits as can be had in Obedience of God's Laws, of Justice, Truth, and Faithfulness. And how shall these Benefits be had in Societies, in the forementioned maimed, forced, and unnatural State, when the Head is kept from free Communication with the Members ? 'Tis plain in a lame unnatural State, they cannot be had in the natural and perfect Course ; and therefore Men must do the best they can to secure them by other Methods, consisting with these Rules of Justice, which are to limit all Pursuits thereof.

The great Prelate he disputes against on this point, (*p. 38. &c.*) is for binding all Subjects, even those that

*\* B. Saunders. aduers to the ejected Prince, Præf. 3 de \* to seek the Benefit of Oblig. Leg. Society : And in order Hum. Sect. 16. thereto to pay much Regard, and to submit to the 17, 18, 19, 20. Usurper in the great Points*

thereof. As, *to be obedient to him in Defence of the Country against Foreigners, in his Administration of Justice, and Preservation of Trade and Commerce, and Observance of Laws.* Limiting them only herein, by *their Obligations to the Rightful King*, that they do not obey the Usurper in any thing against him, or in violation of that Faith which they owe to him. And to this he thinks they are bound, *in prudent Care of themselves, in grateful return for Protection, in conscientious Care of the Publick Benefit ;* though they are not bound by the *Authority of the Person ;* as the Learned *Grotius* also taught in this Case, (*de Fur. B. l. 1. c. 4. Art. 15.*)

Now what is there destroyed in Society, yea, or lost of the Benefits thereof, which can Righteously be kept in this supposed Defective, Unnatural, and Forced State of Society ? His main Objection to it is, (*p. 39.*) that there is *a want of Authority.* And *Authority and Obedience, is Essential to Civil Government, and Civil Society.* And want of a Perfect, and Natural Course there is of both these, as there is like to be in such an Unnatural State ; but no absolute want thereof.

There is no absolute want, *either of Authority, or of Allegiance.* For the rightful King has Authority, and the Subjects owe him Allegiance ; and betwixt these, as the Head and Body, is the Being of the Society.

But what is to be said then, to Administration of Government, should there not be Authority also in that ? Yes, and always is, when Government goes on in a Natural Course ; and would be in the Case supposed, if he, that has the Authority, could be allowed to exercise his Authority, and to govern by it : But he supposes he is not allowed to that. And the other, who is possessed of External Strength, but without Authority, will administer the Government, and usurp the exercise of all Acts thereof, though he has no Authority for it. So there will be Authority in this Society, though he, that has it, is not allowed to exercise, and govern by it. And there will be Administration and Exercise of all Acts of Government, though he, that usurps this Administration, has no Authority for it. The want is, neither of Authority, nor of Administration, in the Society ; but of an Union of these two, so as that he who administers might do it with Authority. This I grant is maimed and unnatural : But the supposed State is maimed and unnatural. And in an unnatural and lame State, when the authorized King and People are kept apart, like as when the Head and Members are in other Societies, there must be an unnatural and lame Course of Government.

Now

Now when one that has not the Authority, which goes not by Strength, but Right, yet having got external Power in his hands, will Administer the Government; if the Subjects will all submit to him therein, the Society will competently enjoy the Benefits of Administration. The natural and best ground of Subjects Obedience is *Authority* indeed; but that cannot do here, in an unnatural State, and in a Case that supposes he will Administer, who has Possession against Right, and so wants Authority for it. But this Obedience the Bishop fetches from other Grounds, and those of Conscience too, as well as of Prudence; and carries it as far as it righteously can be carried, that is, in all things that are not prejudicial to the true Owners Rights, or to their Fidelity and Obligations to him. And farther than this none must go in seeking any Benefits of Society; they being always under the Restraint of this Limitation, as I observed, and never to be fought unrighteously.

The Bishop, (*Señ. 21.*) fetches a Liberty, for the Subjects to obey the Usurper in the forfaid Instances, from the *Rightful King's presumed Consent*. And great Reason there is to presume he will consent to what is done to keep up Government, and not to keep himself out. For a People he would have kept together, and some Order kept up among them; and 'tis to an United People that he claims a Right, and hopes to be restored again. And this *presumed Consent*, some, as the *p. 19. 20. learned Author*, whom he mentions, carry farther, to derive Authority in these Acts, to the Usurper and those that act under him, from the *Lawful King*. And whether this presumed Consent can give him or them Authority to do them, or no; 'tis certainly very equitable that his Acts for keeping up common Order and Justice, no ways prejudicial to the lawful King, should stand good when they are done, and be made authoritative when they can. And so accordingly they use to be made by the Rightful King's Ratification at his Return:

As they were by *Edward IV.* by *Q. Mary*, and *K. Charles II.* on their several Restorations to the Throne.

But this *presumed Consent*, he thinks, is not enough to derive Authority to the Usurper. And, not to dispute that Point, whether it be or no, doth he know of any better way? If not, all I can say is, That no body is bound, in my Opinion, to find *two Regal Authorities*, more than *two Kings*, which he thinks an Absurdity for one Society, (*p. 14.*) Nor to find Authority in him that has no Right to it, since Authority can go by nothing else but Right. And if a Man has it not of his own, nor can borrow it, I see no Remedy, but he must want it. However, having external Strength, he will administer all the same Acts of Government, as he would do, if he had Authority to do them. And if all People submit, in regard to private Interests and publick Peace, where there is no Authority to have Regard to, his Administration will not want good Effect of keeping up Order and Peace and Common Justice among them. Indeed they that act in place of Authority, under such as they suppose to have no legal Right, are concerned to look more to the Authority they act by. But as for others, they will have Benefit by the Administration, whether it be with Authority or no.

One Objection he makes, (*p. 40.*) viz. of the usurping Possessor, that has Power enough in his hand to do it, either destroying, imprisoning, or transplanting all that stand out. And would not an obstinate Allegiance destroy Society in this Case?

He supposes all Subjects to do their Duty, and stand out: Which though all are equally bound to do in Right, yet they are never like to do so in Fact; the Course of this World giving little appearance of a whole Nation being unanimous in quitting all Temporal Interests for a good Conscience. But suppose they should, and the Usurper, being too strong for them, requires them all, either to Swear Allegiance, or undergo these hard things; then they must suffer as Confessors, for their

their Duty in this, as other good Men have done for Duty in other Instances. And the Duty of Confessing is never the less, because there is so great a number of Confessors. And if that Society be broken up by this means, it is not too good to be parted with, to keep Innocence and a good Conscience. All Civil Society, and the Benefits thereof, being under the Restraint of the Rules of Righteousness, and never to be sought or preserved by breaking any of God's Laws about Society, or any others; but only so far as they can be had by keeping of them: Men must never purchase any Society by Sin; and Sin is never the less sinful for being required of them on that Condition.

But (p. 45.) is not Obedience to Government it self, for the Preservation of human Society? Yes, as all other Rules of Righteousness, which are Social Virtues. But they are for it, not as discretionary means, which Men may use or omit, as they see it serves turns; but as standing Rules and Laws of God, which they are to keep without Exceptions. They must rule us in all Cases and Pursuits, either of Society, or any thing else. And a Liberty to transgress these, when it may seem to serve present turns, would leave neither security in, nor benefit by, any Societies.

But as for this Objection against an obstinate Allegiance, it is not peculiar to it, but will lye equally against an obstinate Piety, or any other Virtues, when they fall into the hands of such Persecutors as will allow no benefit of Society, without breach thereof. In

† *Laet. de* the † *Dioclesian Persecution,*  
*Morr. Per.* he knows, *the Christians were*  
 sec. c. 13. 15. *removed from the Emperor's*  
*Protection, and from all Claim*  
*and Use of Laws,* (and what benefit of Society then?) *if they would not first Sacrifice to the Heathen Gods.* And the like may be under any Idolatrous or Heretical Prince, who will tyrannically make any other Instances of *Idolatry* or *Heresy* the Condition of living under him, or of Civil Society: Or such a Decree as *Nebuchadnezzar* did, to destroy all People, Na-

*tions, and Languages, that would not worship his Golden Image,* Dan. 3. 6. And so it may in any Church, when they will tyrannically impose any Sins, or Errors, as Conditions of their Communion, to all that live under them, or of *Church Society*: Which yet all good Christians are bound to seek, for the benefit of their Souls; as much as Civil Society, for the benefit of their Bodies and worldly Interests. So that Obstinacy in any Truths or Duties, will as much destroy Society, as Obstinacy in Allegiance, when they fall into such Princes or Persons hands, who will let none live in their Country, or have any Protection there, if they do, without renouncing them. And yet these are Duties then notwithstanding, and Men are then called to lay down, not only the benefits of Society, but their very Lives, for them.

6. His last Reason is, (p. 43.) That *these Principles of his answer all the ends of Government, for Security both of Prince and Subjects.*

But First, Do they answer all the ends of Justice, and keeping the Commandments? I think I have made it plain, they do not do that; because they do not give every Man his own, but justifie unjust Possession, and give Right to unrighteous Actions, destroying the Obligations laid, and the Securities given by Right and Wrong, among Men. And Government and Civil Society are for having these things done, and for being ruled in all things by them; and the greatest Blessing, that comes thereby, is the Observance of them,

Then, as to the Purposes of Princes, his Principle indeed answers an Usurpur's Purpose, which is *to keep what he has unjustly got*; and it shews him he may very justly and conscientiously do that; and that he has the People as fast tyed, and as far obliged to him, for all he has no good Title, as they would be, if he had the best Title. But yet all his Purposes it will not serve: For he that is once possessed of a Crown, would not have it lye at other Peoples Liberty, if they can, to take it from him; but would be glad of some such Title (and such, an *human Right* would prove, if  
 once



once he came to acquire that ) as would make every one else afraid in Conscience, if they make any Conscience of what they do, to desire, or attempt to wrest it out of his hands. And this the Title of Providential Possession doth not do: For as that way he holds it only by Strength; any other, that can make a greater Strength, will start a better Title to it than he has.

And as for the Rightful King's Purpose, I think it no way answers it. For his Purpose, and that a very reasonable and just one too, would be to have his Right; to hold it when he has it, and to have it unlawful for any Man to disturb his Possession of it, or to get it from him, or, when he has done so, to keep it as his own, and not restore it to him again. Yea, to have Right from his Subjects, as well as from the Usurper: That, since it is his Right, they should not help to hinder him of it; and since he has Authority over them, that they should keep under Obedience to him. And as it is the constant Purpose of Authority, to bind to such Obedience; so it is the constant Purpose of Right, to have these Effects, not only in the King, but in any other Person.

And lastly, as for the Purpose of Subjects; if they all purpose, as they all should do, in the first place, to keep a good Conscience, I think his Principles may appear, from what I have said, to be far from that, since they would carry them to resist him that has Authority over them, which would be Rebellion; and to oppose Right, and maintain Wrong, which is very unrighteous. And as to their Preservation and outward Security in this world; though, in making them more externally easie under the Possessor, whilst he holds the Possession, it would serve this end at that turn; yet would it deserve it a great deal more, as I before noted, in destroying Right and Wrong, the best Guard of their worldly Preservation; and in multiplying such Changes and Revolutions, all the Compassings whereof are the greatest Blow and Bane thereto. And though I am sure this is no end, either of Government, or Governors, who are not for ser-

ving, but keeping out such Changes and Revolutions; yet it seems a very natural, and the most natural end of his Right of Providence. And then, as he (p. 43.) grants, Princes themselves, as well as Subjects, have Cause enough to be jealous of it; since, *whatever Service it might do them at one turn, it might do them as great Dis-service at another.*

For to give Authority to Revolutions, and to justify those that act in them, I think, are the great ways that any Principles can serve Revolutions. Now he designs his Right of Providence to give Authority to the Revolution, that is, to authorize ones being pulled down, and the others being set up; or to make God transfer the Authority from one to the other thereby. And the Principle it self, and like *Scripture Sayings* about Providence in that Case too, will give as good Right to those that act in them, as to what is got by them, as I have formerly shewn. So, by this Principle, the Usurpers, in Revolutions, get Right to attempt and invade a Prince's Rightful Crown; and when they have got it from him, to make it their own; and to bind all the Subjects as fully and fast to them, as they were bound to the former King. And what more Service would a Man desire from Principles, whose part is not to act and accomplish things, but only to justify and confirm Actions, and the Actors in them?

But, quite contrary, the other Principle of *Legal Right* gives all the Check to Revolutions, that Principles can do; leaving no Man Right to invade a Rightful Prince's Throne, nor to hold it when he has unrighteously got it, but to restore it to the true Owner again: Nor Liberty to the Subjects, to turn over to the Usurpers against their Rightful Prince; which were both to resist Authority, and to oppose Right and support Wrong. And this is to bar and prevent Revolutions, as far as Principles can do it; that is, among all that will be guided by Principles, and do only righteous things.

But if it would prevent all Revolutions of Government, that, says he, (p. 44.) is a

*Demonstration against it, that it is a bad Principle, and comes not from God.* Indeed this seems an odd Fetch, That doing *Right* cannot come from God, if it would prevent *Unrighteousness*; which therefore comes from him, because it would do so. But his Reason is, because then God could not exercise a *Prerogative* he has reserved to himself, of removing, or setting up, a King; whom he cannot set up, unless he can oblige the Subjects to obey him. He should have insert'd, therefore when God will exercise that Prerogative, he will remove one King's Right, that the Subjects may owe him no Obedience, and give it to another, that they may pay him Obedience; and that because God will have them follow Right, and carry themselves righteously towards both. And though human Laws are the ordinary way, yet God has other ways of making or unmaking Kings, that is Rightful Kings, when he pleases. For he may put an end to the dispossessed King's Right, by taking him out of the World; or by bringing him, whilst he lives, to resign and part with it by his own Consent; or give it away from him to the other, by immediate Revelation, if he sees fit, as I shewed before. And these are his ways of exercising this Prerogative, of Removing or setting up Kings, when that is to remove and transfer the Allegiance of Subjects. But if he only, by Course of Providence, changes Possession, but neither by human nor divine Title, transfers the Right to a Crown; it is a Punishment or Trial both on dispossessed Prince and People, and is not the Removal of a King, which sets them loose from him. And this adhering to such dispossessed Princes, till they are some way disauthorized, and deprived of Right as well as Possession, is not for Mankind to be Slaves of Princes, as he says, (p. 45.) but only to be Slaves of Right, if Slavery must be the Term for it; as Princes themselves must be too, if they will be Righteous.

He also (p. 43. 44.) charges the Inconvenience and Defects in Government, all the time such dispossessed Rightful King is shut out, upon this Principle of unaltera-

ble Allegiance to Legal Right. Those Inconveniences and Defects indeed are apparently to be imputed to his being kept out. But unalterable Allegiance to his Legal Right surely doth not keep him out. And in such Case, if a Man will speak Justice, and direct the Charge where the Blame is, he must not say, they cause all the Inconveniences or Overthrow of Government, for want of him, that are careful conscientiously to do him Right; but they, who unconscionably keep him out of his Right.

Before I dismiss this Consideration of his Reasons, I shall take Notice of the Distinction he makes, (p. 28, 29.) between *Maintaining* and *Defending*, and *Restoring* in the matter of Allegiance, and the Oath for it.

But unless he can set this aside, by the *Conventions Principle*, and that of the *Publick Acts*, viz. the translation of the *Legal Right*; this nicety, I believe, will not solve, or take it off.

He (p. 27, 28.) distinguishes between *Natural* and *Legal Allegiance*. And they are distinct as to the Bond, and Ground of Obligation, one being from the *Law of Nature*, and the other from our *own Laws*. But the main of that Distinction lies, not in their calling for distinct Offices; particularly not in *Legal Allegiance* binding Subjects to defend their King's Authority, and *Natural Allegiance* binding to no Defence thereof. For all Subjects were bound to defend their Kings, before they had any written Laws for Allegiance. By the Law of Nature, when Authority is set up, it is to be Defended: And it can have no other Defence, but the Subjects Allegiance. Its inseparable Effects is to oblige; and if it oblige to any Service, it must oblige more especially to such, as is necessary for its own Preservation and Defence. The Union of Subjects to a Prince, is that of Members to the Head, which are certainly bound to defend it, as I at first noted. And therefore when the Law comes, to bind this Defence faster by the *Legal Oath*, it doth not pretend to bring in a new Duty; but by the addition

tion of an Oath, to make that more secure, which Nature had bound on all before. *The Effect and Substance of Li-*

*gence, is by the Law of Nature,* as is declared in † Calvin's and 25.

*as is declared in † Calvin's and 25. Case; but the Form and Addition of the Oath, est ex provisione hominis.* And the *Statute* it self,

which imposes the *Legal Oath*, \* *Stat. 7. declares it, \* To tend only to*

*Fac. 1. c. 6. the Declaration of such Duty, as every true and well affected Sub-*

*ject, not only by Bond of Allegiance, but also by the Commandment of Almighty God, ought to bear to the King's Majesty.*

Now, since Defence is implied as a necessary Duty, and Ingredient of Allegiance; if he leaves any Man Authority

to call for Allegiance, How will he hinder him by the same Authority from challenging Defence? And this, whether

it be in holding Possession, or in getting it, and seeking Restauration to it. If Allegiance is left Due in both, Defence

will be like to be left Due in both, because Defence is part of Allegiance. Indeed, as he says, (p. 31. 27.) *All Subjects are not bound to turn Soldiers.* Nor will they be alike

(p. 29.) in the way of obliging Calls and Opportunities, to defend a Prince, when out of his Throne, as when Seated on his Throne. But as to such Defence, as

every one is bound to in his Station, whilst a Prince is among them; How will his way exempt them from paying

the same, when they have an obliging Opportunity, whilst he is Dispossessed of his Throne? This, I think, K. W. claim'd from the *Irish Subjects*, requiring them

to come in to him, and to return to their due Obedience, whilst his Errand was Restoring; or getting Possession: And this,

in virtue of their Natural Allegiance, they having taken no Legal Oath to him.

And more particularly, as to the *Legal Oath, the Maintenance and Defence* Swore in that, is with respect to the *Legal Right*,

as is plain in the *Oath*; and as he himself observes, (p. 28.) And here, methinks, it should be harder to get off from Main-

taining and Defending, if the legal Right be allowed to remain, which they Swore to maintain and defend him in. And the *Maintenance* Promised, was against all Attempts

whosoever against his Person, Crown, and Dignity. Now the Crown and Dignity is his, who has the best Right to them;

Right making Property, as I formerly observed. So leaving the *Legal Right* to any Dispossessed Kings Person, will leave him the Crown and Dignity. And then

all continuance of Attempts, to deprive his Person of the Crown and Dignity, will be Attempts against his Person, Crown, and Dignity, I think. And how will this

making Attempts thereupon, be Maintaining and Defending, both his Dignity and him against them? So no way will remain, but the translation of *Legal Right*,

to take off this Maintenance and Defence, in my Opinion.

He thinks also, (p. 30.) *That we are not bound to defend a King, when he illegally Subverts the Laws, or Legal Religion of a Kingdom.* 'Tis enough in Conscience,

he fancies, (p. 27.) *plainly to bear such an on;* but a little too much for Subjects to venture all, to keep him on the Throne to oppress them. This, I think, makes Kings

illegal Actings a Discharge of Subject's Allegiance, and Legal Defence; which agrees equally ill, in my Opinion, with the

*Oath of Allegiance*, and with *Passive Obedience*. For that is to be so *Passive*, as to make no Resistance; and to be so *Obedient*,

as to pay all due Service and Allegiance, even to such illegal Invaders of Religion and Laws.

Nor is this Duty taken off, by the abuse they will make of the Subject's Performance, in turning that Power upon them afterwards, to persecute and oppress

those, who were its Dutyful Supporters; for no Duty is taken off, by the accidental abuse, which others may make of our

payment of it; nor was this in particular thought to be taken off, by the Primitive Christians. They were not without plain appearances; that if a Persecutor kept the Throne, he would turn, or continue his Power, to persecute and oppress

press them. But yet for all this, they durst never be wanting in any Part, or Duty of good Subjects, in their several Stations, to keep him thereon, either against any Domestick Rebellion, or Foreign Invasion. The Subject's Duty in these Cases, I think, is, as to the illegal ways, never to act under him, or serve him in the illegal Thing. But yet for all that, to be ready in their several Stations to defend his Person, and the Cause of his Crown, when either Subject, or Foreigner, shall rise against him. And 'tis their Acting in the illegal Thing, that the Law punishes; but no Law will punish them for Acting to support his Person, and defend his Crown. Though a Man may be a Traitor, as he urges, (p. 30.) For *Assing* for him against Law; yet never for Defending him when Assaulted, for that is according to Law. So though they are not to defend such illegal Opposer, in an illegal Thing; yet are they bound to give him the due Defence of *Allegiance*, and the *Legal Oath*, notwithstanding it.

And thus I have considered both the *Scriptures* and *Reasons*, he has offered for this *Right of Providence*. And as the former Proofs, I think, shew Reason enough to overthrow it; so he has brought no good Reason to support it. And therefore more *Providential Possession* of another's Crown, without other Title, is no Right; much less such as should set aside the Legal Right: So that the Legal Right will stand good notwithstanding it.

And if he, that has the Legal Right, has the best Right to the Crown, though another be got into Possession: The Supposal of a *Legal Right* in another, will leave all the first mentioned Difficulties in Force, against transferring Allegiance to the Possessor. For in ingaging by such Allegiance, to help him in keeping out the right Owner, Subjects would be very Unrighteous; and ingaging also thereby, to resist the Authority of their rightful Prince, they would be very Undutiful and Rebellious; and therein, moreover, to

break their former Promises and Oaths, they would be very Perfidious and Perjurious. All which, I think, are not to be taken off, by the Supposal of *Legal Right* in the ejected Prince; but only by proving he has parted from it, and that the Possessor is vested with it, which uses to be the Principle of the publick Acts on such Revolutions, and particularly is so in our present Case; and which, as the Author has not at all medled with, so neither shall I.

*And thus, Honoured Sir, I have considered what this Reverend and Learned Person has offered on this Argument. Wherein I have endeavoured to take the Freedom, which is fitting, with his Opinion, but to shew the Respect which I have, and his many Excellent, both Pious and Learned Labours, have so long given the Serious and Wise part of Men cause to have for his Person.*

*I pray God so enlighten, and thereby to awaken the Consciences of all concerned in this Question. Some may be apt to take Offence, at a free Discussion of these Grounds, thinking it may touch too near on Reputation. But as many as prefer Religion before themselves, will be more careful to keep its Duties in Credit, than to keep up their own Credit. And, I am sure, all that have a serious Sense of Christianity, and reverence for the Commandments of God, must needs see, that they have a much bigger Concern than Reputation, in this Dispute. The Difficulties are of highest Importance, in that Account we must all one Day make, before the great Judge of the World. And if the Grounds several Men satisfy themselves upon at present, will not take them off, it nearly concerns them to see it in time, whilst there may be ways of providing a more comfortable Answer, against they come to be posed upon them. God, in his abundant Mercy, grant us all the Grace to have, and keep Minds raised above this World, and both to see the Truth, and follow it.*

I remain, Sir, Your most Faithful  
and Affectionate Servant, &c.



# T H E C O N T E N T S.

Chap. 1. *O*F the Difficulties in the way of the Present Allegiance, and the ways of taking them off.

*The Allegiance required. Difficulties against it from several Commandments. All suppose a rightful Compositor, to whom Subjects are under a contrary Obligation. The ways of taking off these Difficulties.*

Chap. 2. *O*f the Nature of Authority, and how Convey'd from God.

*The Pleas of Allegiance from Possession, or a King de Facto. Whether this removes the Difficulties. Of the Nature of Authority, and its being distinct from External Strength. How carry'd from God to the Person authorized.*

Chap. 3. *A*uthority goes by Rightful Titles.

*This proved. 1. From the Nature of Right, and Authority. 2. From God that gives it. 3. And from the command that carries it. By Higher Powers, St. Paul means Rightful Powers. The Romans then were such. Objections answered from Scriptures, requiring Obedience to Present Powers. Not blaming it to Usurpers. From our Saviours shewing the Coin. From the Command to the Jews to submit to the Babylonians. From perplexities of Conscience if tyed to Rightful Titles. 4. From our own Laws. Of the ways of human Right, which are to convey Authority.*

Chap. 4. *O*bedience to Rightful Authority, not tyed to actual Administration of Government.

*What Obedience is payable to a Rightful King, out of actual Administration. The dueness thereof to such, proved by six Arguments. A Proof of the same from our own Laws. The Statute of H. 7. cleared, and his Authorities from Law consider'd. Treason not against a mere King in Fact. Who to take cognizance of King's Rights.*

Chap. 5. *O*f the Author's Right, by Providential Possession, without other Title. It destroys the Obligations by Right and Wrong.

*Of his Right by Providential Possession, without other Title. It destroys the Obligations by Right and Wrong. 1. Among Kings. Justifying their detaining each other's Rights, when they have unjustly got them. Proofs against this. And of the Case of Joash. And justifying the unrighteous Attempts to get them. The calamities hereof to Kings. It brings in Mr. Hobbs's state of War. 2. From Kings towards their Subjects, justifying their illegal Invasions. 3. Among private Persons.*

Chap. 6. *T*his Right by mere Providential Possession disproved by other Arguments.

*This shewn Secondly from the use of Providence. What the part of Providence is in unrighteous Actions. Thirdly from our own Laws. Fairly from the Opinion of the Primitive Church, and of the Church of England, on Competition between Legal Owners, and Usurping Possessors. Of the Case of our late Usurpations. Of Bishop Overal's Convocation Book as to this point.*

Chap.

Chap. 7. Of his Scripture Proofs, and some of his Reasons, for his Right by Providential Possession.

An Answer to his Scripture Proofs. His Reasons for the same, are 1. Its giving the most intelligible Account, of fetching Authority of Governors from God. This considered, 2. Its necessity for Defence of the Doctrine of Passive Obedience; which is Answered, 3. Or to maintain God's Authority in setting up, or removing Kings; which is cleared.

Chap. 8. Of his Remaining Reasons for the same.

4. His Fourth Reason for it is, because else we should limit God's Providence in Governing Kings, and Protecting injured Subjects; this Answered, 5. To preserve human Societies, and Government upon any Changes; which is considered and cleared, 6. Its Answering all the Ends of Government, for Security both of Prince and Subjects; which also is examined. Of his Distinction between Maintaining and Defending, and Restoring in the Oath of Allegiance. Without transgression of Legal Rigor, all the first mentioned Difficulties in Force against transferring Allegiance.

## Advertisement.

Since the writing and sending away of this Answer, the Reverend Author has published *A Vindication of his Case of Allegiance, &c. In Reply to an Answer to a late Pamphlet, intitled, Obedience and Submission to the Present Government, demonstrated from Bishop Orel's Convocation Book, &c.*

I see no Cause to alter any thing in the foregoing Papers, from any Matter he has suggested in this *Vindication*. Nor do I apprehend, That to an intelligent and attent Reader of these Papers, any great Difficulty will be raised by any thing he says therein, against any of those Arguments which I have here urged against him. What I sincerely seek in this Dispute, is to clear up Truth and Righteousness, not (I bless God) a Criminal and Contemptible Affectation, of being thought able to maintain a Cause. And accordingly, my Business is to reduce the Debate of his *Case of Allegiance* to Principles; to establish and clear up such, as are opposite unto his; and fairly to examine, and answer his Arguments: Which is a Thing, that he tells his Answerer, (p. 80.) in the Conclusion of his *Vindication*, He is at leisure now to consider. If, upon consideration of what I here offer to him, he shall find nothing but Truth and Reason in these Papers; like a Man that is Conscientiously Studious in these Disputes, how he may do Honor to the Laws and Truths of God, more than how he may come off without seeming to be worked in his Argument; I hope he will give God Thanks for the same, and Heartily and Joyfully embrace and acquiesce therein. But if he think still, that he has not only Show and Evasion, but solid Reason and Truth, to reply in further Maintenance of his own Opinion, I shall be like to hear from him. And then, as by God's Grace, I shall apply my self sincerely to seek Truth, not Victory, in considering what he shall offer anew. So as for any of those Evasions in his *Vindication*, which concerns any Argument here urged against him; I think it will not cost much Pains to shew the Weakness of them; if he think fit to insist upon them. And in the mean time, I shall leave the consideration of his *Vindication* to that Learned Author, whose Book has occasioned, and who is particularly concerned in it.